

## Stanford, Alex

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**From:** Giolti, Patrizia  
**Sent:** May 23, 2016 07:11 PM  
**To:** Bouchard, Cindy; Tremblay, Guylaine; Saindon, Hubert; Blanchard, NathalieX; Mak, Johanne; Cyr-Carriere, Alexandra; Martyn, Ashley; Héroux, Melanie; Schmidt, Suzanne; Boyd, Colin  
**Cc:** Lizotte-MacPherson, Linda; Semaan, Nada; Walker, Christine (HQ); Weber, Caroline; Bolduc, Martin; Xavier, Caroline; Chénier, Maurice; Piché, Jean-Stéphen; Hill, PeterD(CBSA); Vinette, Denis R.; Normand, Louis-Paul; Saunders, Tom; Watkinson, Julie; Palamedes, Dena; Maisonneuve, Mélanie; Gosselin, Gail; Cyr-Delfino, Denise; Renaud, Céline; Friberg, Jennifer; Patrice, France; Beall, Chris; Lapensee, Katherine; Ibrahim, Nesreen; Copp, Kyla; Lenahan, Shannon; CBSA-ASFC\_PAU-UAP; CBSA-ASFC\_Comms\_Coordination; McQuillan, Lorraine; Laplante, Nicholas; Mackenzie, Joey; Raider, Marc; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; Stanford, Alex; Horvat, Vanessa  
**Subject:** Heads-up QP

Good evening all - this may generate a request for QP. This articles follows the recent posting of the RFI (alternatives to detention)

### **CBSA considers electronic tracking of detainees rather than holding them in custody**

Marie-Danielle Smith

Postmedia (National Post)

2016-05-23, 17:39 ET

OTTAWA — The Canada Border Services Agency is looking into tracking detainees electronically, rather than keeping them in custody.

A government tender posted online this month asks industry for feedback on how to manage alternatives to detention, "including a community supervision program supported with electronic supervision tools," for people detained under the Immigration and Refugee Protection Act.

In the criminal justice system, electronic supervision usually means using an ankle bracelet or something similar to track people via GPS or cellular data. It's used in several Canadian jurisdictions, including Nova Scotia and Ontario.

The CBSA has the oft-criticized — and largely unchecked — power to hold non-Canadians in migrant detention centres indefinitely. There are usually about 600 "clients" in custody, according to the tender.

In March, the agency said two people had died in custody in the space of a week, but gave no details. There have been at least a dozen similar deaths since 2000.

With the government promising to increase oversight, the agency appears to be looking for ways to reform its practices.

"Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee," spokeswoman Wendy Atkin said.

These can include release on the condition that people report regularly to CBSA on their activities, cash deposits or bail programs.

The CBSA would not say whether it had tried ankle bracelets or the like.

But Canada's Immigration and Refugee Protection Regulations do not mention the technology.

According to a Citizenship and Immigration manual, if a deposit is taken instead detention, migrants must "keep the peace and be of good behaviour," report to immigration or border services officers when required and give 48 hours' notice of changes of address. There is no mention of electronic supervision.

The request for information, posted May 13, is looking for outside experts who can help provide "enhanced" alternatives "in the form of community-based services and programming," said Atkin.

"Internal quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention."

**Public Safety Minister Ralph Goodale** plans to convene an all-party parliamentary committee this year to look at the activities of CBSA and other security and intelligence agencies.

*"We will also be looking at where there are gaps or holes in the existing architecture,"* Goodale said in a scrum Wednesday.

*"One obvious one is CBSA, the border services agency that has no review mechanism whatsoever."*

Electronic monitoring became a contentious topic after a judge ruled in September having to wear an ankle bracelet was too restrictive for Omar Khadr, the former

Guantanamo Bay prisoner, who returned to Canada in 2012 and was released on bail last May.

Because Khadr is a Canadian citizen, border services and immigration systems would not have been responsible for monitoring him.

## Stanford, Alex

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**From:** Stanford, Alex  
**Sent:** May 24, 2016 11:39 AM  
**To:** Bailey, Esme  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** RE: Alex for approval: CAT 3 media query alternatives to detention (electronic monitoring)

Approved.

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**From:** Bailey, Esme  
**Sent:** May 24, 2016 11:38 AM  
**To:** Stanford, Alex  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** Alex for approval: CAT 3 media query alternatives to detention (electronic monitoring)

Hello Alex. For approval. A/DG EIP and Pat have approved using same response provided to National Post last week. I have added a link to the RFI. Seeking approval by noon. Thanks. Esme

**Time of call:** 11:07 a.m., May 24  
**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)  
**Media:**  
**Contact:**  
**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

**Question:** Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?

**Response:** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Internal Quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention.

The CBSA has launched this [request for information](#) to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

## Stanford, Alex

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**From:** Bailey, Esme  
**Sent:** May 24, 2016 11:48 AM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Vinette, Denis R.; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Semaan, Nada; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Soper, Lesley L; Bolton, Stephen  
**Subject:** Heads up: CAT 3 media query alternatives to detention (electronic monitoring)

Heads up. We have received the following media query about electronic supervision tools. We will circulate for VPs and PO approval shortly. Thanks. Esme

**Time of call:** 11:07 a.m., May 24

**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)

**Media:**

**Contact:**

**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

**Question:** Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?



## Stanford, Alex

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**From:** Le Breton, Gilles  
**Sent:** May 24, 2016 11:49 AM  
**To:** Bailey, Esme  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex; Tremblay, Amy; Payant, Sophie  
**Subject:** RE: Gilles for approval as A/DG Comms: CAT 3 media query alternatives to detention (electronic monitoring)

Ok! Approved.

### Gilles Le Breton

Director, Communications Directorate, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[gilles.lebreton@cbsa.gc.ca](mailto:gilles.lebreton@cbsa.gc.ca) / Tel: 613-946-4873 / TTY: 866-335-3237

Directeur, Direction des communications, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[gilles.lebreton@cbsa.gc.ca](mailto:gilles.lebreton@cbsa.gc.ca) / Tél. : 613-946-4873 / ATS : 866-335-3237

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**From:** Bailey, Esme  
**Sent:** May 24, 2016 11:42 AM  
**To:** Le Breton, Gilles  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex; Tremblay, Amy; Payant, Sophie  
**Subject:** Gilles for approval as A/DG Comms: CAT 3 media query alternatives to detention (electronic monitoring)  
**Importance:** High

Hello Gilles. For approval. A/DG EIP and Alex have approved using same response provided to National Post last week when they asked about the RFI. I have added a link to the RFI in response. Seeking approval by 12:15 ET. Thanks. Esme

**Time of call:** 11:07 a.m., May 24

**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)

**Media:**

**Contact:**

**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

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Internal Quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention.

**Stanford, Alex**

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**From:** Vinette, Denis R.  
**Sent:** May 24, 2016 12:54 PM  
**To:** Soper, Lesley L; Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** RE: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Ok approved as is by Ops

Denis R. Vinette

A/Associate Vice-President, Operations Branch  
Canada Border Services Agency / Government of Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tel: 613-948-4111 / TTY: 866-335-3237

Vice-président associé p.i., Direction générale des opérations  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tél: 613-948-4111 / ATS : 866-335-3237

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**From:** Soper, Lesley L  
**Sent:** May 24, 2016 12:47 PM  
**To:** Vinette, Denis R.; Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** RE: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Hi Denis —

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**From:** Vinette, Denis R.  
**Sent:** May 24, 2016 12:38 PM  
**To:** Soper, Lesley L; Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** RE: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Lesley,

Denis R. Vinette

A/Associate Vice-President, Operations Branch  
Canada Border Services Agency / Government of Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tel: 613-948-4111 / TTY: 866-335-3237

Vice-président associé p.i., Direction générale des opérations  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tél: 613-948-4111 / ATS : 866-335-3237

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**From:** Soper, Lesley L  
**Sent:** May 24, 2016 12:36 PM  
**To:** Vinette, Denis R.; Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** RE: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

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**From:** Vinette, Denis R.  
**Sent:** May 24, 2016 12:13 PM  
**To:** Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** Re: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Denis R. Vinette

A/Associate Vice-President, Operations Branch  
Canada Border Services Agency / Government of Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tel: 613-952-5269 / TTY: 866-335-3237

Vice-président associé p.i., Direction générale des opérations  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Denis.Vinette@cbsa-asfc.gc.ca](mailto:Denis.Vinette@cbsa-asfc.gc.ca) Tél: 613-952-5269 / ATS : 866-335-3237

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**From:** Bailey, Esme

**Sent:** Tuesday, May 24, 2016 12:00 PM

**To:** Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Vinette, Denis R.; Walker, Christine (HQ)

**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois

**Subject:** For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Hello. For VP approval. A/DG EIP and A/DG Comms have approved using same response provided to National Post last week when they asked about the RFI. Seeking approval by 13:00 ET. Thanks. Esme

**Time of call:** 11:07 a.m., May 24

**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)

**Media:**

**Contact:**

**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

**Question:** Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?

**Response:** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Internal Quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention.

The CBSA has launched this [request for information](#) to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

**Stanford, Alex**

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**From:** Tremblay, Guylaine  
**Sent:** May 24, 2016 01:05 PM  
**To:** Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Vinette, Denis R.; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** RE: For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Acting VP CAB approved.

Guylaine Tremblay  
Strategic Advisor | Conseillère stratégique  
Vice-President Office, Corporate Affairs Branch  
Bureau de la vice-présidente, Direction générale des services intégrés  
Canada Border Services Agency | Agence des services frontaliers du Canada  
Ottawa, Canada K1A 0L8  
Tel 613-960-6597  
[guylaine.tremblay@cbsa-asfc.gc.ca](mailto:guylaine.tremblay@cbsa-asfc.gc.ca)

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**From:** Bailey, Esme  
**Sent:** May 24, 2016 12:00 PM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Vinette, Denis R.; Walker, Christine (HQ)  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Le Breton, Gilles; Blanchard, NathalieX; Braham, Stephen; Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Séguin, Célyne; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois  
**Subject:** For VP approval: CAT 3 media query alternatives to detention (electronic monitoring)

Hello. For VP approval. A/DG EIP and A/DG Comms have approved using same response provided to National Post last week when they asked about the RFI. Seeking approval by 13:00 ET. Thanks. Esme

**Time of call:** 11:07 a.m., May 24  
**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)  
**Media:**  
**Contact:**  
**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

**Question:** Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?

**Response:** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Internal Quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention.

The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

**Stanford, Alex**

---

**From:** Maisonneuve, Mélanie  
**Sent:** May 24, 2016 02:32 PM  
**To:** Bailey, Esme; Gosselin, Gail; Lizotte-MacPherson, Linda; Semaan, Nada  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Vinette, Denis R.; Weber, Caroline; Le Breton, Gilles; Blanchard, NathalieX; Bolduc, Martin; Hill, PeterD(CBSA); Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois; Séguin, Célyne  
**Subject:** RE: For PO approval: CAT 3 media query alternatives to detention (electronic monitoring)

Esme,

Please see deletion below.

Approved with this change.

Thank you.  
Mélanie

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**De :** Bailey, Esme  
**Envoyé :** 24 mai, 2016 2:01  
**À :** Gosselin, Gail; Lizotte-MacPherson, Linda; Semaan, Nada  
**Cc :** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Vinette, Denis R.; Weber, Caroline; Le Breton, Gilles; Blanchard, NathalieX; Bolduc, Martin; Hill, PeterD(CBSA); Soper, Lesley L; Bolton, Stephen; Herdsman, Sophie; Campbell, Leah; Friberg, Jennifer; Jordan, Erika; Richard, Jean-Francois; Séguin, Célyne  
**Objet :** For PO approval: CAT 3 media query alternatives to detention (electronic monitoring)

Hello. For PO approval. Response has been approved by AVP Ops, AVP CAB and AVP Programs. This is the same response provided to National Post last week when they asked about the RFI. Seeking approval by 15:00 ET. Thanks.  
Esme

**Time of call:** 11:07 a.m., May 24

**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)

**Media:**

**Contact:**

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Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

Porte-parole principale, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[esme.bailey@asfc-cbsa.gc.ca](mailto:esme.bailey@asfc-cbsa.gc.ca) / Tél. : 613-948-4013 / ATS : 866-335-3237

**Stanford, Alex**

---

**From:** Bailey, Esme  
**Sent:** May 24, 2016 02:34 PM  
**To:** Weber, Caroline  
**Cc:** Tremblay, Guylaine; Atkin, Wendy; Giolti, Patrizia; Stanford, Alex; Le Breton, Gilles; Horvat, Vanessa; Lebrun, Manon  
**Subject:** For VP CAB awareness: PO approved CAT 3 media query alternatives to detention (electronic monitoring)

Hello. For VP CAB awareness. PO approved revised response. Thanks. Esme

**Time of call:** 11:07 a.m., May 24

**Deadline:** 13:00 ET, May 24 (reporter has been advised we will not meet this deadline but will get back to her as soon as we can)

**Media:**

**Contact:**

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Esme Bailey

Senior Media Spokesperson, Corporate Affairs Branch

Canada Border Services Agency / Government of Canada

[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

Porte-parole principale, Direction générale des services intégrés

Agence des services frontaliers du Canada / Gouvernement du Canada

[esme.bailey@asfc-cbsa.gc.ca](mailto:esme.bailey@asfc-cbsa.gc.ca) / Tél. : 613-948-4013 / ATS : 866-335-3237

**Stanford, Alex**

---

**From:** Bailey, Esme  
**Sent:** May 24, 2016 02:36 PM  
**To:** Spassov, Jonathan: PCO / BCP  
**Cc:** CBSA-ASFC-Media Relations; Horvat, Vanessa; Lebrun, Manon;  
'ps.communicationsissuesmanagement-communicationsgestiondesenjeux.sp@canada.ca'; Le Breton, Gilles; Stanford, Alex  
**Subject:** For PCO awareness: CBSA response alternatives to detention (electronic monitoring)

Hello Jonathan. For PCO awareness. CBSA approved response. Thanks. Esme

**Media:**  
**Contact:**

**Issue:** Alternatives to detention RFI. I am following this story today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees: <http://news.nationalpost.com/news/cbsa-considers-electronic-tracking-of-detainees-rather-than-holding-them-in-custody>

**Question:** Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?

**Response:** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

The CBSA has launched this [request for information](#) to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

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**Stanford, Alex**

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**From:** Bailey, Esme  
**Sent:** May 24, 2016 04:39 PM  
**To:** CBSA-ASFC-Dist-Nightly\_Media\_Wrap-Rapport\_des\_médias; Comdo / Comdo (PS/SP); Hickey, David: CIC / CIC; McMahon, Karen: DFAIT / MAECI; Lutfallah, Jennifer; Lambo, Pam: DFAIT / MAECI; RCMP Media Relations (MediaRelationsHQDG@rcmp-grc.gc.ca)  
**Subject:** Nightly Media Wrap: May 24, 2016

**Nightly Media Wrap / Rapport des médias  
May 24, 2016**

Media calls completed as of 16:30 ET

**NHQ**

**Media:**

**Issue:** Laptop searches at the border

**Q1. Is the government currently working on a policy on what will happen when lawyers are at the border with electronic devices, and officers wish to search them?**

**Q2. If so, can the government speak to what that policy is?**

**Q3. Can the government say if work on the policy is underway? If so, can the government say when it might be released?**

**Response:** This is what we can tell you:

- All persons, goods and conveyances entering Canada are examined and some undergo a more in-depth examination.
- Secondary inspections are a part of the normal cross-border travel process and border services officers are trained to perform these examinations in a courteous, respectful and professional manner.
- CBSA officers have the legal authority under section 99 of the Customs Act to examine personal baggage, conveyances, and goods, including electronic storage devices, upon arrival into and on departure from Canada.
- CBSA officers conduct examinations to verify that a person is compliant with the laws and regulations administered by the CBSA. This could include the examination of electronic storage devices that may contain prohibited material (e.g. obscene material, hate propaganda, child pornography).
- The search of a computer is a routine border search, similar to routine searches for firearms, explosives, narcotics and undeclared goods that a traveller may seek to smuggle into Canada
- All examinations are conducted in strict adherence to the Agency's core values of professionalism, integrity and respect. An examination does not convey any wrong doing on part of the traveller, whose rights under the Canadian Charter of Rights and Freedoms are respected. This extends to selecting, conducting and reporting of examinations, as well as responding to enquiries on examination concerns.
- The CBSA has appropriate safeguards in place to ensure the respectful treatment and handling of goods including the protection of personal information, as required by the Privacy Act.

**Media:**

**Issue:** Alternatives to detention RFI. I am following this [story](#) today regarding CBSA's tender that says the department is exploring using "electronic supervision tools" for immigration detainees. Is CBSA considering tracking immigration detainees with an electronic ankle bracelet or any other such tracking device?

**Response:** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

The CBSA has launched this [request for information](#) to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

Wanted by the CBSA program results in 68th arrest

Le programme des Personnes recherchées par l'ASFC mène à une 68e arrestation

## Pacific

### **Media**

**Issue:** Does CBSA provide language interpretation at the Border Watch Toll free line?

**Response:** The Border Watch line only provides services in both official languages, English and French.

## Pacific/Prairie

Travellers transiting to and from Alaska reminded to declare their firearms at the Canadian border

Rappel aux voyageurs en direction ou en provenance de l'Alaska exhortés de déclarer leurs armes à feu à la frontière canadienne

## Prairie

Significant Sentence for Edmonton woman illegally employing foreign nationals / Peine d'emprisonnement importante pour une femme d'Edmonton coupable d'avoir embauché des étrangers illégalement



MAY 24.96 -



MAY 24.96 -

Nightly Media Wrap is prepared by CBSA Media Relations. It includes a listing of all completed media calls for the day at time of issue.

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Le rapport récapitulatif des activités médiatiques est préparé par les Relations avec les médias. Il comprend la liste, valide au moment de l'envoi, de tous les appels des médias traités au cours de la journée.

Pour ajouter une personne-ressource à la liste de distribution du rapport récapitulatif ou en retirer votre nom, envoyez une demande à l'adresse [CBSA-ASFC-Media Relations](#).

Esme Bailey

Senior Media Spokesperson, Corporate Affairs Branch

Canada Border Services Agency / Government of Canada

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esme.bailey@asfc-cbsa.gc.ca / Tél. : 613-948-4013 / ATS : 866-335-3237

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**Stanford, Alex**

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**From:** Stanford, Alex  
**Sent:** May 27, 2016 09:56 AM  
**To:** Bailey, Esme  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** RE: Alex for approval: CAT 3 media query detention/deaths in custody

OK, thank you!

---

**From:** Bailey, Esme  
**Sent:** May 27, 2016 9:47 AM  
**To:** Stanford, Alex  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** RE: Alex for approval: CAT 3 media query detention/deaths in custody

Hi Alex,

I have revised A4-5 per your feedback.

**A4-5.** The Canada Border Services Agency (CBSA) may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division (ID) of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

Thanks,  
Esme

Esme Bailey  
613-948-4013

---

**From:** Stanford, Alex  
**Sent:** May 27, 2016 9:35 AM  
**To:** Bailey, Esme  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** RE: Alex for approval: CAT 3 media query detention/deaths in custody

Approved. However, you might want to tailor A4/5 slightly to be more in line with the detention lines that VP CAB has previously approved (attached). I realize you're answering a specific question and have other items in there, but she may wonder why we've strayed from the "separating CBSA and IRB" approach to explaining our roles in detentions...

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**From:** Bailey, Esme  
**Sent:** May 27, 2016 9:13 AM  
**To:** Stanford, Alex  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon  
**Subject:** Alex for approval: CAT 3 media query detention/deaths in custody

Hello Alex. For approval. Response has been approved by A/DG EIP and Pat. The reporter also contacted PS with similar questions (they are at the end of the email) and CBSA was asked to provide proposed response. As the questions are similar, we are referring to CBSA responses where applicable. Seeking your approval by 10:15 a.m. Thanks. Esme

**Received:** May 25, 9:12 ET  
**Media:**  
**Contact:** E-Mail:  
**Issue:** Death in Detention  
**Deadline:** Friday, May 27 – 17:00 ET.

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**  
**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In accordance with the CBSA death in custody policy, within 24 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation. CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

In cases of in-custody deaths, CBSA notifies the family of the deceased, the police, and the coroner

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** CBSA officers have discretionary authority to detain foreign nationals and permanent residents when there are reasonable grounds to believe the person is inadmissible and:



- a danger to the public
- unlikely to appear (flight risk) for immigration processes
- unable to satisfy the officer of their identity (foreign nationals only)

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division (ID) of the Immigration and Refugee Board (IRB) who may release the person or identify conditions for release or determine that detention should continue. The IRB is an independent tribunal and its members are guided by the detention provisions set out in the Immigration and Refugee Protection Act. Factors that the IRB member must consider in order to maintain the detention of an individual are set out in sections 245-247 of the Immigration and Refugee Protection Regulations. IRB detention reviews are conducted 48 hours after a person is detained and subsequent reviews are carried out within the following seven days and every 30 days thereafter.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta? (Please see CBSA response A4-5)**

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths? (Please see CBSA response Q3)**

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand? (Please see CBSA response A4-5)**

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When? (Not for CBSA to address)**

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.**

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

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**Stanford, Alex**

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**From:** Bailey, Esme  
**Sent:** May 27, 2016 09:59 AM  
**To:** Raider, Marc  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex  
**Subject:** Marc for approval: CAT 3 media query detention/deaths in custody

Hello Marc. For approval. Response has been approved by A/DG EIP and Alex. The reporter also contacted PS with similar questions (they are at the end of the email) and CBSA was asked to provide proposed response. As the questions are similar, we are referring to CBSA responses where applicable. Seeking your approval by 11:00 a.m. Thanks. Esme

**Received:** May 25, 9:12 ET  
**Media:**  
**Contact:** / E-Mail:  
**Issue:** Death in Detention  
**Deadline:** Friday, May 27 – 17:00 ET.

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In accordance with the CBSA death in custody policy, within 24 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation. CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

In cases of in-custody deaths, CBSA notifies the family of the deceased, the police, and the coroner

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The Canada Border Services Agency (CBSA) may detain individuals in cases where:

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- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this [request for information](#) to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsman; or acceptance into a bail program.

**Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)**

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta? (Please see CBSA response A4-5)**

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths? (Please see CBSA response Q3)**

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand? (Please see CBSA response A4-5)**

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When? (Not for CBSA to address)**

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.**

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

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## Stanford, Alex

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**From:** Raider, Marc  
**Sent:** May 27, 2016 10:51 AM  
**To:** 'Jennifer.Lutfallah@international.gc.ca'; Lambo, Pam: DFAIT / MAECI; Drucker, Alexi: DFAIT / MAECI  
**Cc:** De Santis, Heather: DFAIT / MAECI; Giralt, Mark: DFAIT / MAECI; Riordon, Sheila: DFAIT / MAECI; Constantin, Christine: DFAIT / MAECI; Garson, Ron: DFAIT / MAECI; Giolti, Patrizia; Stanford, Alex  
**Subject:** RE: Canada Looks to Monitor Detained Migrants Electronically Instead of Locking Them Up

Hi Jennifer:

Our media relations unit provided this to  
below)

(she followed up on the article by

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

**Original request:**

**What are the current alternatives to detention? Is electronic supervision, i.e. ankle bracelets or similar, currently used by CBSA as an alternative to detention? If yes, when was an electronic supervision program put into place? If not, why is it being looked at now?**

Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

**What would an expanded program entail? What is the timeline for decision-making on an expanded program? Is there a particular date by which the CBSA hopes to have new options in place?**

Internal Quality assurance monitoring and monitoring from stakeholders have highlighted the need to continue to build upon available alternatives to detention.

The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming.

Marc Raider  
A/Director General – Communications, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[marc.raider@cbsa-asfc.gc.ca](mailto:marc.raider@cbsa-asfc.gc.ca) / Tel: 613-948-9048 / TTY: 866-335-3237

Directeur général (p.i.) – Communications, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[marc.raider@cbsa-asfc.gc.ca](mailto:marc.raider@cbsa-asfc.gc.ca) / Tél. : 613-948-9048 / ATS : 866-335-3237

**From:** Jennifer.Lutfallah@international.gc.ca [mailto:Jennifer.Lutfallah@international.gc.ca]  
**Sent:** May 27, 2016 10:03 AM  
**To:** Lambo, Pam: DFAIT / MAECI; Drucker, Alexi: DFAIT / MAECI  
**Cc:** De Santis, Heather: DFAIT / MAECI; Giralt, Mark: DFAIT / MAECI; Riordon, Sheila: DFAIT / MAECI; Constantin, Christine: DFAIT / MAECI; Garson, Ron: DFAIT / MAECI; Raider, Marc  
**Subject:** Re: Canada Looks to Monitor Detained Migrants Electronically Instead of Locking Them Up

Marc R,  
 Have we prepared any media lines in relation to this issue? Please advise.

---

**From:** Lambo, Pam -WSHDC -WS -PA  
**Sent:** Friday, May 27, 2016 09:28 AM  
**To:** Drucker, Alexi -WSHDC -WS  
**Cc:** Lutfallah, Jennifer -WSHDC -BF; De Santis, Heather -WSHDC -GR; Giralt, Mark -WSHDC -IM; Riordon, Sheila -WSHDC -GR; Constantin, Christine -WSHDC -PA; Garson, Ron -WSHDC -GR  
**Subject:** RE: Canada Looks to Monitor Detained Migrants Electronically Instead of Locking Them Up

Thanks for flagging Alexi.  
 Jennifer, media guidance?

---

**From:** Drucker, Alexi -WSHDC -WS  
**Sent:** May-27-16 9:25 AM  
**To:** Lambo, Pam -WSHDC -WS -PA  
**Subject:** Canada Looks to Monitor Detained Migrants Electronically Instead of Locking Them Up

[https://news.vice.com/article/canada-looks-to-monitor-detained-migrants-electronically-instead-of-locking-them-up?utm\\_source=vicenewstwitter](https://news.vice.com/article/canada-looks-to-monitor-detained-migrants-electronically-instead-of-locking-them-up?utm_source=vicenewstwitter)

**Canada Looks to Monitor Detained Migrants Electronically Instead of Locking Them Up**  
 By Rachel Browne  
 May 24, 2016 | 1:30 pm

Amid an outcry over the recent deaths of migrants held in custody by the Canada Border Service Agency (CBSA), the department is exploring alternatives to detaining asylum seekers, including using electronic surveillance to keep track of them. But critics say this new proposal does not address deeper problems with a system they have been lambasting for years.

The CBSA posted a federal tender [online](#) earlier this month asking for feedback on its Alternative to Detention (ATD) program, specifically on a "community supervision program" that would use "electronic supervision tools" for people detained by CBSA. If implemented, it may be the first time the agency has used such a method to monitor detainees.

The posting adds that a community supervision program would "effectively mitigate risk of release" by requiring detainees to adhere to reporting requirements and obligations to live at a certain location. Though the agency does not specify in the post what exactly the electronic supervision tools would be, it [could](#) include ankle bracelets or other location trackers used in the criminal justice system for people placed under house arrest or out on bail.

CBSA did not immediately respond to a request for comment from VICE News, specifically about whether the agency would explore the use of ankle monitors. A spokesperson [told the National Post](#) that detention protocol required the department to "consider all reasonable alternatives before detaining someone for immigration purposes" and it will "consider all release proposals presented by or on behalf of the detainee"

The department, one of the only law enforcement agencies in Canada that is not subjected to independent oversight, has faced mounting scrutiny over its detention practices, including its routine detention of thousands of migrants in provincial jails across the country. Canada is one of the only developed countries that detains migrants in prisons, and does not have a time limit on how long it can detain migrants — some have been held in jail without criminal charge for a decade.

Related: [Canada's Incarceration of Migrants Is 'Cruel and Inhuman,' New Report Says](#)

Since 2000, some 15 migrants have died in CBSA custody, most recently a 24-year-old man who died at an Edmonton jail this month, although the agency has yet to release information on his identity and cause of death. Earlier this year, two other migrants died in Ontario jails, including a Burundian man who hanged himself in his cell while awaiting deportation.

Under the Immigration and Refugee Protection Act, the agency can arrest and detain migrants if they're deemed a threat to society, when their identity is in question, or if it's believed they will flee or not show up for their immigration proceedings. They are held in one of the country's three holding centers built for the sole purpose of detaining migrants, or in provincial jails, where they are kept with people who have been charged or convicted of criminal offences.

They can also be released into the community at an adjudicator's discretion, for example through a bail program, or if a relative or community members offers to hold them accountable for reporting back to CBSA.

Although keeping migrants out of detention is a good goal, McGill psychologist Janet Cleveland, who has authored a number of studies on migrants held in detention facilities, told VICE News that electronic surveillance would just be another extension of Canada's detention regime, and that it shouldn't be seen as a viable alternative.

"The first thing we need to look at is minimizing the overall detention and supervision of migrants only to the cases where the person is deemed a risk to Canadian society either because of criminality or security risk," she said.

"Electronic monitoring is an intrusion on people's' privacy and I'm worried CBSA would use it in cases where people wouldn't have been held in detention in the first place."

The CBSA already allows immigration detainees to be released into the community on bail, and if they abide by other conditions, while their immigration proceedings are ongoing.

Cleveland said that while detention is the most effective way for CBSA to keep control over asylum seekers pending a decision in their case, it comes at a high cost.

Related: [Canada Is Going to Deport a Syrian Teen It Kept in Solitary Confinement For Weeks](#)

Her [2013 study](#) found that one third of immigration detainees suffered from post-traumatic stress disorder after one month in detention. She also found that two-thirds became anxious and depressed. And even after their release into the community, these mental health impacts persisted for long periods of time.

"Detaining migrants who pose no security threat, especially in jail, is just wrong," she said.

Last week, 140 medical professionals put out [a statement](#) calling on CBSA to immediately stop transferring immigration detainees to provincial jails.

Canada's public safety minister has said he's looking into the CBSA's detention program and plans to strike a committee to review the overall operations of the agency. But it's unclear exactly when that will take place.

Alexi Drucker  
Media Relations Officer (Digital Diplomacy)  
Embassy of Canada / Ambassade du Canada  
Washington, D.C.  
Tel: 202-448-6569  
[@AlexiDrucker](#)



#viewfrom501



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**Stanford, Alex**

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**From:** Raider, Marc  
**Sent:** May 27, 2016 10:52 AM  
**To:** Bailey, Esme  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex  
**Subject:** RE: Marc for approval: CAT 3 media query detention/deaths in custody

Thanks, Esme. Approved.

Marc Raider  
A/Director General – Communications, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[marc.raider@cbsa-asfc.gc.ca](mailto:marc.raider@cbsa-asfc.gc.ca) / Tel: 613-948-9048 / TTY: 866-335-3237

Directeur général (p.i.) – Communications, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
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**From:** Bailey, Esme  
**Sent:** May 27, 2016 10:48 AM  
**To:** Raider, Marc  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex  
**Subject:** RE: Marc for approval: CAT 3 media query detention/deaths in custody

Hi Marc,

As discussed, please find requested revisions.

Thanks,  
Esme

Esme Bailey  
613-948-4013

---

**From:** Bailey, Esme  
**Sent:** May 27, 2016 9:59 AM  
**To:** Raider, Marc  
**Cc:** Atkin, Wendy; Giolti, Patrizia; Horvat, Vanessa; Lebrun, Manon; Stanford, Alex  
**Subject:** Marc for approval: CAT 3 media query detention/deaths in custody

Hello Marc. For approval. Response has been approved by A/DG EIP and Alex. The reporter also contacted PS with similar questions (they are at the end of the email) and CBSA was asked to provide proposed response. As the questions are similar, we are referring to CBSA responses where applicable. Seeking your approval by 11:00 a.m. Thanks. Esme

Received: May 25, 9:12 ET

Media:

Contact: / E-Mail: ]

Issue: Death in Detention

Deadline: Friday, May 27 - 17:00 ET.

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In accordance with the CBSA death in custody policy, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation. CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

In cases of in-custody deaths, CBSA notifies the family of the deceased, the police, and the coroner

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based

services and programming. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta?** (Please see CBSA response A4-5)

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths?** (Please see CBSA response Q3)

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand?** (Please see CBSA response A4-5)

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When?** (Not for CBSA to address)

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.** (Please see CBSA response A6-7)

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[esme.bailey@cbsa-asfc.gc.ca](mailto:esme.bailey@cbsa-asfc.gc.ca) / Tel: 613-948-4013 / TTY : 866-335-3237

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**Stanford, Alex**

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**From:** Weber, Caroline  
**Sent:** May 27, 2016 03:02 PM  
**To:** Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Vinette, Denis R.  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John; Séguin, Célyne; Friberg, Jennifer  
**Subject:** Re: For VP approval: CAT 3 media query detention/deaths in custody

Excellent. Thank you.

Approved.

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Bailey, Esme  
**Sent:** Friday, May 27, 2016 2:35 PM  
**To:** Weber, Caroline; Bolduc, Martin; Hill, PeterD(CBSA); Vinette, Denis R.  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John; Séguin, Célyne; Friberg, Jennifer  
**Subject:** RE: For VP approval: CAT 3 media query detention/deaths in custody

I have reworked A3. Please advise if updated response is approved. Deadline is 17:00 ET today and MO has asked review once it is CBSA approved. Thanks. Esme

Esme Bailey  
613-948-4013

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**From:** Weber, Caroline  
**Sent:** May 27, 2016 1:29 PM  
**To:** Bailey, Esme; Bolduc, Martin; Hill, PeterD(CBSA); Vinette, Denis R.  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John; Séguin, Célyne; Friberg, Jennifer  
**Subject:** Re: For VP approval: CAT 3 media query detention/deaths in custody

I don't like A3 - it only refers to Comms protocol - not to other processes.

We have previously developed a brief answer to this type of question...

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Bailey, Esme  
**Sent:** Friday, May 27, 2016 10:54 AM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA); Weber, Caroline; Vinette, Denis R.  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Gosselin, Gail; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John; Séguin, Célyne; Friberg, Jennifer  
**Subject:** For VP approval: CAT 3 media query detention/deaths in custody

Hello. For VP approval. Response has been approved by A/DG EIP and A/DG Comms. The reporter also contacted PS with similar questions (they are at the end of the email) and CBSA was asked to provide proposed response. As the questions are similar, we are referring to CBSA responses where applicable. Seeking your approval by noon. Thanks.  
Esme

**Received:** May 25, 9:12 ET

**Media:**

**Contact:** / E-Mail:

**Issue:** Death in Detention

**Deadline:** Friday, May 27 – 17:00 ET.

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In the event of a death in custody of an individual detained under IRPA, the CBSA immediately informs the relevant authorities and next of kin.

In addition, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation.

CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise that may be able to provide enhanced alternatives to detention in the form of community-based services and programming. This may include release on reporting conditions; performance bond; cash deposit; establishment of a bondsperson; or acceptance into a bail program.

Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta?** (Please see CBSA response A4-5)

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths?** (Please see CBSA response Q3)

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand?** (Please see CBSA response A4-5)

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When?** (Not for CBSA to address)

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.** (Please see CBSA response A6-7)

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
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**Stanford, Alex**

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**From:** Mackenzie, Joey  
**Sent:** May 27, 2016 04:53 PM  
**To:** Bailey, Esme  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Horvat, Vanessa; Lebrun, Manon; Maisonneuve, Mélanie; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Vinette, Denis R.; Weber, Caroline; Bolduc, Martin; Hill, PeterD(CBSA); Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John; Gosselin, Gail; Lizotte-MacPherson, Linda; Semaan, Nada  
**Subject:** RE: For PO approval: CAT 3 media query detention/deaths in custody

Hi Esme,

Approved with noted changes below for A4-5, A6-7.

Joey

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**From:** Bailey, Esme  
**Sent:** May 27, 2016 4:04 PM  
**To:** Gosselin, Gail; Lizotte-MacPherson, Linda; Semaan, Nada  
**Cc:** Bouchard, Cindy; CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions; CBSA-ASFC-Media Relations; Horvat, Vanessa; Lebrun, Manon; Mackenzie, Joey; Maisonneuve, Mélanie; Raider, Marc; Saindon, Hubert; Stanford, Alex; Tremblay, Guylaine; Vinette, Denis R.; Weber, Caroline; Bolduc, Martin; Hill, PeterD(CBSA); Blanchard, NathalieX; Soper, Lesley L; Bolton, Stephen; Helsdon, John  
**Subject:** For PO approval: CAT 3 media query detention/deaths in custody

Hello. For PO approval. Response has been approved by VP CAB, VP Programs and A/VP Ops. The reporter also contacted PS with similar questions (they are at the end of the email) and CBSA was asked to provide proposed response. As the questions are similar, we are referring to CBSA responses where applicable. Please note the reporter just gave us an extension until noon Monday. As we have been asked to share with MO for approval before responding, we are seeking approval by 9:00 a.m. Monday. Thanks. Esme

**Received:** May 25, 9:12 ET  
**Media:**  
**Contact:** / E-Mail:  
**Issue:** Death in Detention  
**Deadline:** Monday, May 30 – noon

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**



**A3.** In the event of a death in custody of an individual detained under IRPA, the CBSA immediately informs the relevant authorities and next of kin.

In addition, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation.

CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. Detention is always a last resort.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.**

Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta? (Please see CBSA response A4-5)**

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths? (Please see CBSA response Q3)**

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand? (Please see CBSA response A4-5)**

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When? (Not for CBSA to address)**

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain. (Please see CBSA response A6-7)**

Esme Bailey  
Senior Media Spokesperson, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
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## Stanford, Alex

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**From:** Atkin, Wendy  
**Sent:** May 27, 2016 05:18 PM  
**To:** Weber, Caroline  
**Cc:** Tremblay, Guylaine; CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon  
**Subject:** FOR VP CAB Awareness: PO revised CAT 3 Media response Detentions/deaths in custody

Good evening Caroline,  
For awareness, we will send the revised response (PO changes included below) to PS now for the requested MO approval before advising PCO and responding to the reporter.  
Thank you, WENDY ATKIN

**Received:** May 25, 9:12 ET  
**Media:**  
**Contact** E-Mail:  
**Issue:** Death in Detention  
**Deadline:** Monday, May 30 – noon

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service, and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In the event of a death in custody of an individual detained under IRPA, the CBSA immediately informs the relevant authorities and next of kin.

In addition, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation.

CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
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Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. Detention is always a last resort.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise to support the continued improvements to the detention program.

Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta?** (Please see CBSA response A4-5)

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths?** (Please see CBSA response Q3)

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand?** (Please see CBSA response A4-5)

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**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.** (Please see CBSA response A6-7)

Wendy Atkin  
Media Spokesperson / Porte-Parole  
Canada Border Services Agency / Agence des services frontaliers du Canada  
[Wendy.Atkin@cbsa-asfc.gc.ca](mailto:Wendy.Atkin@cbsa-asfc.gc.ca)  
Government of Canada / Gouvernement du Canada  
Tel: 613-948-7854 / TTY: 866-335-3237

## Stanford, Alex

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**From:** Atkin, Wendy  
**Sent:** May 27, 2016 06:59 PM  
**To:** holly grenier  
**Cc:** CBSA-ASFC-Media Relations; ps.communicationsissuesmanagement-communicationsgestiondesenjeux.sp@canada.ca; Media Relations / Relations avec les médias (PS/SP); Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon  
**Subject:** For PCO awareness: CBSA Media response Detentions (freelancer)

Good evening Holly,  
For awareness please note CBSA and PS-approved media response below.  
Thanks Wendy Atkin

**Media:**  
**Contact:** E-Mail:  
**Issue:** Death in Detention

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

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**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In the event of a death in custody of an individual detained under IRPA, the CBSA immediately informs the relevant authorities and next of kin.

In addition, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation.

CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**

**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
- the individual poses a risk to the public; or,
- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. Detention is always a last resort.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise to support the continued improvements to the detention program.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**Stanford, Alex**

---

**From:** Duval, Jean Paul (PS/SP) <jeanpaul.duval@canada.ca>  
**Sent:** May 27, 2016 07:23 PM  
**To:** Atkin, Wendy  
**Cc:** Miller, Kevin (PS/SP); CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon; Croteau, Mylène (PS/SP)  
**Subject:** Re: For PS approval: CBSA Media response Detentions/deaths in custody (freelance reporter)

Thanks Wendy. Have a great weekend.

JP Duval  
613-991-1689  
Cell: 613-301-4280  
JeanPaul.Duval@Canada.ca

---

**From:** Atkin, Wendy  
**Sent:** Friday, May 27, 2016 7:20 PM  
**To:** Duval, Jean Paul (PS/SP)  
**Cc:** Miller, Kevin (PS/SP); CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon; Croteau, Mylène (PS/SP)  
**Subject:** Re: For PS approval: CBSA Media response Detentions/deaths in custody (freelance reporter)

Response was sent to reporter at 19:21 ET.

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Duval, Jean Paul (PS/SP)  
**Sent:** Friday, May 27, 2016 6:43 PM  
**To:** Atkin, Wendy  
**Cc:** Miller, Kevin (PS/SP); CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon; Croteau, Mylène (PS/SP)  
**Subject:** Re: For PS approval: CBSA Media response Detentions/deaths in custody (freelance reporter)

Wendy, MO has no concerns with CBSA sending this response. Can you advise when it has been sent as MO would like to supplement with a brief additional response.

Thanks,

JP Duval  
613-991-1689  
Cell: 613-301-4280  
JeanPaul.Duval@Canada.ca

---

**From:** Duval, Jean Paul (PS/SP)  
**Sent:** Friday, May 27, 2016 5:52 PM  
**To:** Atkin, Wendy; Croteau, Mylène (PS/SP)  
**Cc:** Communications Issues Management / Communications Gestion des Enjeux (PS/SP); Media Relations / Relations avec les médias (PS/SP); Miller, Kevin (PS/SP); CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon  
**Subject:** Re: For PS approval: CBSA Media response Detentions/deaths in custody (freelance reporter)

Hi Wendy, we are checking and will get back to you asap.

Cheers,

JP Duval  
613-991-1689  
Cell: 613-301-4280  
JeanPaul.Duval@Canada.ca

---

**From:** Atkin, Wendy  
**Sent:** Friday, May 27, 2016 5:23 PM  
**To:** Croteau, Mylène (PS/SP)  
**Cc:** Communications Issues Management / Communications Gestion des Enjeux (PS/SP); Media Relations / Relations avec les médias (PS/SP); Duval, Jean Paul (PS/SP); Miller, Kevin (PS/SP); CBSA-ASFC-Media Relations; Raider, Marc; Stanford, Alex; Horvat, Vanessa; Lebrun, Manon  
**Subject:** For PS approval: CBSA Media response Detentions/deaths in custody (freelance reporter)

Good evening Mylene,  
Please find below CBSA's approved response, with cross-references to questions for PS; let us know when approved by MO. Reporter has granted an extension, but prefers an earlier response if possible,  
Thanks, WENDY ATKIN

**Received:** May 25, 9:12 ET  
**Media:**  
**Contact:** E-Mail:  
**Issue:** Death in Detention  
**Deadline:** Monday, May 30 – noon

**Q1. Are investigations into the deaths in CBSA detention in March (men that have been identified as Melkioro Gahungu and Francisco Astorga) in Ontario being conducted? If so, what has been the result of these investigations? What led to the men's deaths?**

**Q2. What led to the death of a detainee at the Edmonton Remand Centre this month?**

**A1-2.** While the CBSA will not release additional information on these deaths; we can tell you that as with any death in custody, investigations were launched by the various responsible agencies. The CBSA takes all deaths seriously and will complete a review of the circumstances surrounding the deaths to identify any factors that could be addressed to prevent any future loss of life.

In Ontario, the CBSA is cooperating fully with the Ontario Ministry of Community Safety and Correctional Services, the Coroner's office, the Halton Regional Police Service, and the Toronto Police Service.

**Q3. What is the CBSA's procedure when a death occurs in custody?**

**A3.** In the event of a death in custody of an individual detained under IRPA, the CBSA immediately informs the relevant authorities and next of kin.

In addition, within 24-48 hours of notification of authorities and/or next-of-kin, the CBSA will issue a news release announcing the death in custody. The CBSA strives to release as much information as possible, while respecting privacy legislation and matters that are under investigation.

CBSA cooperates fully with any investigations related to death in custody as well as conducting an internal review of the circumstances of these incidents.

**Q4. Groups have called for an overhaul of the CBSA's powers to detain immigrants - including a 90-day limit on detention if deportation is not forthcoming - as well as the establishment of an oversight body. What is your response to these demands?**

**Q5. Has the CBSA held any recent discussions with government ministries regarding a change to the immigration detention system?**



**A4-5.** The CBSA can tell you about its role. The CBSA may detain individuals in cases where:

- the individual's identity is in question;
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- there are reasons to believe the individual will not appear for future immigration proceedings if released.

Detention guidelines require CBSA officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. Detention is always a last resort.

The CBSA officer's decision to detain a person under the IRPA is subject to an independent review by a Member of the Immigration Division of the Immigration and Refugee Board (IRB). The IRB, an independent, quasi-judicial tribunal:

- Conducts a review 48 hours after a person is detained. Subsequent reviews are carried out within the following seven days and every 30 days thereafter.
- Following each review, the IRB may determine whether detention is still warranted or may determine the individual be released with/without conditions.

For questions about independent oversight, please contact Public Safety.

**Q6. The CBSA has put up a tender for feedback on an Alternative to Detention program that may include electronic supervision tools. Could you please explain this tender, and what tools are being considered specifically?**

**Q7. What other alternatives to detention has the CBSA considered?**

**A6-7.** Detention guidelines require Canada Border Services Agency (CBSA) officers to consider all reasonable alternatives before detaining someone for immigration purposes and will consider all release proposals presented by or on behalf of the detainee. The CBSA has launched this request for information to identify non-government areas of interest/expertise to support the continued improvements to the detention program.

**Questions submitted to Public Safety (as questions are similar, we refer to CBSA responses above where applicable. Q4 is not for CBSA to address)**

**Q1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta? (Please see CBSA response A4-5)**

**Q2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families? And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths? (Please see CBSA response Q3)**

**Q3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand? (Please see CBSA response A4-5)**

**Q4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When? (Not for CBSA to address)**

**Q5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain. (Please see CBSA response A6-7)**

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**From:** Media Relations / Relations avec les médias (PS/SP)

**Sent:** May-25-16 09:37:46 AM (UTC-05:00) Eastern Time (US & Canada)

**To:** CBSA-ASFC-Media Relations

**Cc:** Miller, Kevin (PS/SP); Duval, Jean Paul (PS/SP)

**Subject:** FW: Questions - CBSA immigration detention

Good morning,

Could you please have a look at the enquiry below and prepare a response for MO's review? Some of these questions MO will be better positioned to address (overhaul, oversight) but please prepare a draft response with all the information you can.

Glad to discuss further if you wish.

Many thanks,

Mylène

Mylène Croteau  
613-990-4358  
[Mylene.croteau@canada.ca](mailto:Mylene.croteau@canada.ca)

**From:**

**Sent:** Wednesday, May 25, 2016 9:17 AM

**To:** Media Relations / Relations avec les médias (PS/SP)

**Subject:** Questions - CBSA immigration detention

Hello,

My name is

I hope you're doing well!

I'm currently working on an \_\_\_\_\_ about the recent deaths in CBSA detention, and I wanted to see if the department could answer some questions:


1. What is Public Safety Canada's response to growing calls for an overhaul of the CBSA's immigration detention system in light of recent deaths in custody in Ontario and Alberta?
2. Families of immigrants that have died in CBSA detention say they have not received any information about how their loved-ones died. What is the procedure here to inform the families?

And what is Public Safety Canada's response to claims that families are being left in the dark without any recourse to getting the truth about the circumstances surrounding these deaths?

3. Legal and advocacy groups and experts have called for a 90-day limit on immigration detention. What is the department's response to this demand?
4. They have also called for an independent oversight committee to monitor the CBSA's activities. Will such a committee be established? When?
5. Is Public Safety Canada looking into alternatives to immigration detention? If so, please explain.
6. What is the timeline Public Safety Canada has in mind for implementing changes to the CBSA detention system?

Thank you very much in advance for your time and cooperation. I look forward to hearing back from you soon!

2016-06-02



**Canada Border  
Services Agency**

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frontaliers du Canada**



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## Proposed Alternative to Detention Program

### Community Supervision & Electronic Supervision Tools

**Canadian Council for Refugees  
February 29, 2016**

PROTECTION

INTEGRITY




PROTECTION

INTEGRITY


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## Context

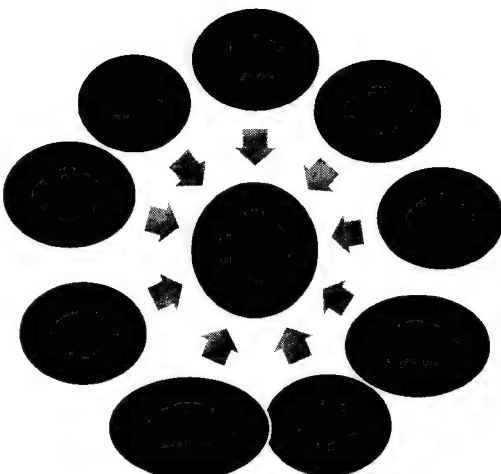
Increasing public interest and stakeholder concerns surrounding detention issues has led to a program review.

The National Detention Strategy aims to transform program delivery by:

- renewing the detention service model
- achieving national consistency
- ensure program sustainability
- enhancing infrastructure

Key actions under the Strategy include:

- Expanding the Alternative to Detention (ATD) program
- Modernizing the detention program (i.e. applying risk-based approach to detention, addressing children and vulnerable persons, medical/mental health care, enhancing partnerships and program transparency)



---

2

## Stakeholder Concerns

Detention program has garnered stakeholder concern:

- **United Nations High Commissioner for Refugees (UNHCR)** sets out an action plan in 2015 for Canada to:
  - End the detention of children;
  - Ensure alternatives to detention are available in law and in practice; and
  - Ensure detention conditions meet international standards (no comingling).
- **University of Toronto Report (2015)** seeks a nation-wide immigration community release program
- **B.C. Coroner's Inquest (2014)** recommended the reduction of use of provincial jails and the increased use of ATDs to reduce risk of death in detention
- **Canadian Council for Refugees (2015)** has lobbied the Prime Minister to deliver an accountable immigration enforcement system
- **Office of the Auditor General** observed in 2008 that detention decisions are inconsistent and that Canada Border Services Agency (CBSA) is not managing detention costs effectively and recommended that CBSA expands ATD programs

## Current Detention Release Options

- Cost and management drivers compel CBSA to look closely at alternatives.
- *Immigration and Refugee Protection Act* policy authority is clear:
  - ATD must always be considered.
- Limited ATD program currently centres on release on a bond to a surety (bonds person).
- Greater Toronto Area Region (GTAR) has a supervised community release program:
  - Recognized by the UNHCR as a global best practice
  - Not available in any other region
- Community compliance support tools also only available in GTAR (Voice Reporting Program).
- Eligible detainees should be considered for release if their risk can be managed.

## Current Program Limitations

The current ATD program does not address the following issues/pressures:

Increased costs associated with detention	Lack of national consistency
Increasing reliance on private contractors for detention and supervision	Increasing reliance on private contractors for detention and supervision
Partner organizations seeking a comprehensive, national ATD program	Judicial decisions (Habeas Corpus)

## Proposed ATD Program Objectives

1. Mitigate risk factors, while maximizing participant's freedom of movement.
2. Reinforce effective and efficient enforcement activities that support participant release, supervision and removal (if required).
3. Provide options for release that are accessible and meet the needs of the CBSA's detained population.
4. Develop program elements that maintain program integrity, establish national consistency and increase program efficiency.

## Proposed ATD Program Elements

A national ATD Program based on enhanced risk management:

### Part I: Compliance Component:

- Mirroring **Voice Reporting** Program
- Reduces in-person reporting

### Part II: Release Component:

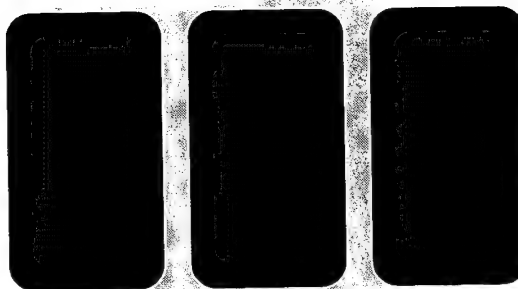
- Enrolment in a **Community Supervision** program
  - Mirroring Toronto Bail Program
  - Options for Long Term Detention Cases
- Monitoring with **Electronic Supervision** tools
  - Expanding to Enhanced Voice Reporting
  - Options for Long Term Detention Cases

## Proposed Expanded ATD Program Plan

**Objective:** Targeted, risk-mitigated release and monitoring until removal or community integration where removal is not viable

### Key aspects to consider:

- Gaps in current detention release programs
- Effective and efficient release management to mitigate risk
- Operational pressures impacting successes
- Downstream impact of release on Investigation & Removals





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# The CBSA's Alternative to Detention Program

## Investment Proposal

### Tier 2


Version: 5.0

Issue Date: March 2016

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## Revision history

This section shows the revisions to the Project Proposal up to the point of approval.

Version number	Date modified	Author(s)	Brief description of change
1.0	December 2015	J. Feeseey, M. Streng	Original draft for DG comments
2.0	January 2016	J. Feeseey, M. Streng	DG comments incorporated
3.0	January 2016	J. Feeseey, M. Streng	A/DG comments incorporated
4.0	March 2016	J. Feeseey, M. Streng	A/DG comments incorporated
5.0	March 2016	J. Feeseey, M. Streng	VP comments incorporated



## Authority Signatures

AUTHORIZATION		
Authorized by:	<div> <div></div> <div> Project Lead - Martin Bolduc  Vice-President  Programs Branch </div> </div>	Date:



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# 1 Project Overview

PROJECT INFORMATION	
Project Name	The CBSA's Alternative to Detention Program
Project Portfolio Director General	Lesley Soper - A/Director General, Enforcement & Intelligence Programs
Branch	Programs
Proposed Start Date	April 1, 2016
Proposed End Date	January 1, 2018
Project Portfolio	Common
Anticipated Project Tier	<input type="checkbox"/> Tier 1 (less than \$1 Million) <input checked="" type="checkbox"/> Tier 2 (between \$1-100 Million) <input type="checkbox"/> Tier 3 (more than \$100 Million)

## 2 Business Need

The CBSA has the sole federal accountability to detain persons under section 55 of the *Immigration and Refugee Protection Act* (IRPA) and as such is responsible for the care and control of immigration detainees. The CBSA's application of its detention authorities is risk-based and supports the selective use of detention. Detention is a last resort and Alternatives to Detention (ATD) are always considered, with the CBSA relying on various alternatives to detaining individuals in an Immigration Holding Centre (IHC) or a provincial facility. Within the first 48 hours of detention the CBSA, and thereafter the Immigration and Refugee Board (IRB), can impose conditions on an individual and release them from detention. In the vast majority of cases, this will involve a performance bond and/or a cash deposit from a bondsperson and the imposition of other conditions, such as regular reporting to the CBSA.

Over the last several years, various pressures have impacted the CBSA's detention program, highlighting the need for increased national consistency, efficiencies through improved risk management, and sustainable infrastructure. The current state of the CBSA's Detention Program is exposing the Agency to unnecessary risk and is hindering the Agency's ability to fulfill its mandate of ensuring public safety. Moreover, recent jurisprudence related to habeas corpus rulings is putting additional pressure on the Program to find forward looking alternatives for its immigration clientele.

### 2.1 Current State

At present, few alternatives to detention are available nationally to CBSA officers and IRB Members. Release on conditions and/or release to a bondsperson on a cash and/or performance bond are the only nationally available alternatives. This does not speak to the complex nature of the risk profiles of the CBSA's current detention population.



Further pressures undermine overall program integrity:

#### *Lack of National Consistency*

The CBSA has developed a standardized detention risk assessment tool in order to consistently measure detainee risk. The National Risk Assessment for Detention (NRAD) tool establishes a standard definition of risk for individuals being considered for detention, and establishes criteria to determine if alternatives to detention may be applicable, and if not, what facility type should be used for detention (where applicable).

However, the tool itself is less effective when options available to officers to mitigate risk are limited. Officers are only able to manage risk based on the tools/facilities available in their particular region – including whether or not an IHC is available for use, and whether appropriate release programs are in place – and not on the specific risk profile of the individual. Officers are faced with the decision to either maintain the detention of an individual who would have otherwise been eligible for release on ATDs (if available), or to release them without the proper monitoring and support systems in place in the community. In other circumstances, the IRB may decide that continued detention is unwarranted and release the individual on little to no supervision or support in the community. The result is a lower level of risk tolerance in regions with ATDs and/or an IHC, and a higher level of risk tolerance in those regions without ATDs and/or an IHC. This inconsistency in risk management undermines program integrity.

#### *Ongoing Reliance on Provincial Detention Facilities*

The CBSA lacks a detention facility (IHC) in most regions. This, in partnership with the lack of a nationally consistent ATD program requires that the CBSA rely on provincial correctional institutions to house immigration detainees of varying risk levels. In most instances this is limited to high risk detainees, however in some regions there is co-mingling of low-risk immigration detainees detained under the IRPA with individuals serving a criminal sentence.

#### *Increased Costs Associated with the CBSA's Detention Program*

The costs associated with detention are substantial and rising, including IHC costs and per diems charged by the province for CBSA detainees. In absence of an ATD program, the Agency has no other option but to maintain detention for a percentage of the detention population whose risk of release could otherwise be mitigated through an ATD program.

#### *Longer Detention Terms*

Recent and current litigation has highlighted the Agency's inadequate ATD options for long term detention cases through a series of *habeas corpus* applications. These individuals generally have an extensive criminal history, and the Agency has been unable to effect removal due to significant removal impediments, and can no longer justify continued detention. Their release into the community without the proper support systems in place poses a significant risk to public safety.

#### *Partner Organizations Seeking ATD*

Several key Non-Government Organizations (NGOs) have recommended that the CBSA improve its detention program by exploring new, and expanding existing community release models similar to those implemented in



likeminded countries. The lack of a nationally consistent release program is putting pressure on these relationships and threatens to erode confidence in the immigration detention program.

In addition to the above outlined pressures, the following emerging issues are reinforcing the need for a national ATD Program:

#### *Inappropriate use of Electronic Monitoring Tools*

In the absence of any robust ATD options, there has been a steady increase in IRB members opting to rule in favour of self-financed EM release, in particular for long term detainees where removal is deemed by the member to be highly unlikely. The Agency needs to establish its own guidance and tools for electronic monitoring to ensure its appropriate use.

#### *Difficult to Remove Federal Offenders*

The current practice for individuals completing a federal sentence is to place them on immigration hold from the date of their statutory release (at two thirds of their sentence). They are then generally moved from the federal into the provincial correctional facility on immigration hold at the CBSA's costs, and subject to IRB detention reviews, until they can be removed.

In some cases, however, due to significant removal impediments (i.e. Temporary Suspension of Removals (TSRs) or the inability to obtain a travel document), it is extremely difficult for the CSBA to effect removal. The IRB looks unfavourably at long term detention for these particular clients and oftentimes releases individuals once it becomes clear that the CBSA will not be able to successfully enforce their removal. Unfortunately, this normally occurs after warrant expiry and the individual is released on very little supervision after having served a considerable amount of time in provincial custody with no programming. Not working to take advantage of existing Correctional Service Canada programs through the parole office as a component of an ATD program is counter-intuitive when it is inevitable that the individual will ultimately be released by the IRB into the community with little to no support. Provincial jails and IHCs are being inappropriately relied upon to detain these individuals when programming already available to the offenders could significantly lessen the burden and the costs assumed by the Agency.

#### *Conclusions*

In sum, the current environment requires that the CBSA work to address this gap in the management of its detainees, and work to improve the availability and consistency of release options.

### **3 Scope**

The scope of the ATD program is to introduce compliance and release management tools that allow for the management of individuals in the community where:

- it would assist individuals in maintaining compliance until their removal (if required); or
- removal is unlikely due to impediments beyond the control of the detainee.



The ATD Program would focus on Community Supervision (CS) options, utilizing case management principles, and be supported when necessary by Electronic Supervision (ES) tools to help further mitigate any risks posed by release.

## **4 Desired Business Outcomes and Benefits Realization**

### **4.1 Increased effectiveness of enforcement actions of released individuals**

CS release, supported by ES tools when necessary, will increase the CBSA's ability to consistently identify, monitor and apprehend released individuals. These release management options will decrease the probability that individuals will abscond or fail to comply, while program elements will foster a climate of compliance among clients of all risk levels.

### **4.2 Consistent detention management of individuals relative to their assessed level of risk**

A robust and nationally available suite of compliance and risk-based options to support release into an ATD program will foster consistent decision making and increase the proportion of individuals released on ATDs. Further, in regions where release is currently taking place without adequate supervision due to the lack of programming, access to such programs would help mitigate risk and allow for more effective enforcement by the CBSA in cases of non-compliance. It is anticipated that greater access to ATD programs will allow the Agency to more efficiently use CBSA and non-CBSA detention facilities.

### **4.3 Reinvest detention resources within Inland Enforcement**

The release of individuals into the appropriate ATD program is anticipated to result in a direct decrease in costs associated with detention *per diems*, program administration and staffing costs, in most regions. Currently, those regions that have limited programming and release options available to them have more difficulty arguing for continued detention before the IRB in low to medium risk cases. Although there may be an increase in overall costs in these regions, the overall ATD program strives to make resources currently dedicated to the detention program available to regional investigation units to locate and apprehend ATD program participants who fail to comply, or abscond.

## **5 Strategic Alignment**

The ATD program is a key component of the National Detention Strategy. The CBSA's National Detention Strategy is part of the CBSA's border modernization system, and aims to introduce transformative initiatives for the efficient and effective management of the detention program into the future. Aligning with the priority to strengthen organizational resilience, the CBSA is looking to:

- develop efficiencies and a new approach to risk;
- implement best practices and consistent service standards nationally; and,
- create efficiencies through the modernization of the infrastructure.





The ATD Program will assist with achieving three general outcomes of the National Detention Strategy: national consistency, efficiency through improved risk management, and effective use of release options.

## 6 Other Areas of Business Affected

Area Impacted	Role & Impacts / Dependencies
<b>Programs Branch</b>	The Programs Branch is responsible for the policies and procedures for all CBSA programs delivered by the regions. It provides critical strategic planning, priority setting and coordination for all of the policy, program, and operational work at the CBSA. The Branch provides the program direction necessary for the administration of legislation and international treaties governing the flow of people and goods into and out of Canada.
<b>Enforcement &amp; Intelligence (E&amp;I) Programs Directorate</b>	<p>Within the Programs Branch, E&amp;I Programs Directorate develops programs, policies, procedures, systems, business requirements for systems, structures and tools related to investigations and removals, hearings and investigations, detentions, ministerial relief and criminal investigations. A National ATD Program must consider policy to support the following impacts:</p> <p><i>Detentions:</i> ATDs will allow for the more efficient use of detention beds and facilities.</p> <p><i>Hearings:</i> Hearing Officers and hearings staff will require the tools needed for ATD implementation, including guidelines and operational manuals and training. The potential increase of re-detention of ATD participants following a failure to comply (FTC) and the resulting increase in detention reviews should be given consideration.</p> <p><i>Investigations:</i> Investigation teams will require updated enforcement manuals and training to prepare for ATD implementation. Further, provisions should be made to account for an increase in investigations resulting from FTC by ATD participants. Finally, ATD ES tools should be implemented to assist CBSA investigations in tracking and locating ATD participants.</p> <p><i>Removals:</i> Policy guidelines to support officers with the removal of ATD participants should be considered in program design and implementation, including provisions for tracking removal ready individuals including those with removal impediments, and those needing travel documents and escort risk assessments.</p>
<b>Regional Operations</b>	The Operations Branch plays a critical role in a wide range of pre, post and at border activities and is responsible for operational performance. The Branch is responsible for the delivery of traveller, commercial and trade programs.



<b>E&amp;I Operations Directorate</b>	<p>Within the Operations Branch, E&amp;I Operations Directorate implements and manages programs, procedures, systems, structures and tools related to investigations and removals, hearings and investigations, detentions and criminal investigations. A National ATD Program would have the following impact within E&amp;I Operations:</p> <p><i>Detentions:</i> ATDs will provide tools to allow the Agency to more efficiently use existing and future detention beds and facilities.</p> <p><i>Hearings:</i> ATDs will decrease the number of detainees and therefore the number of detention reviews; however FTC of released ATD participants will decrease the net impact of ATD implementation.</p> <p><i>Investigations:</i> FTC with release conditions may increase the number of investigations required. However, ES tools are anticipated to help CBSA investigations to track and locate ATD participants.</p> <p><i>Removals:</i> ATD tools will provide the CBSA the capacity to track removal ready individuals and therefore more expeditiously affect removal. Further, providing individuals with the opportunity to 'settle their affairs' prior to removal through participation in ATDs may result in greater compliance with removal procedures.</p>
<b>Border Operations Directorate, Operations Branch</b>	<p>The Border Operations Directorate is responsible for supporting day-to-day port of entry and overseeing service delivery in the processing of people and goods. The Directorate provides support and analysis on operational priorities and is responsible for monitoring, assessing and reporting on operational performance necessary in re-determining priorities, goals and resource allocations.</p>
<b>Comptrollership Branch</b>	<p>The Comptrollership Branch is responsible for providing corporate and operational leadership for the stewardship of resources, including the CBSA's corporate infrastructure, financial, physical and materiel resources, to assure transparency and integrity in the management of the Agency's multiple programs. The Comptrollership Branch will be responsible for ensuring the integrity and stewardship of the Agency's procurement, contracting, and asset management functions related to the ATD Program.</p>
<b>Information, Science and Technology Branch (ISTB)</b>	<p>ISTB supports the management of Canada's border through the strategic development, application and oversight of information management, technology systems and the delivery of science services. ISTB's responsibilities include information management; information technology infrastructure and solutions; planning and portfolio management; and science and engineering. The ISTB Branch will be critical in the development and implementation of the ES components of the ATD Program, and for updates to the CBSA systems, including the National Case Management System (NCMS), to account for ATD participants.</p>
<b>Human Resources Branch (HRB)</b>	<p>The Training and Development Directorate of the HRB is responsible for developing and maintaining learning products which enhance the knowledge, skills and abilities of CBSA employees. In collaboration with the Offices of Primary Interest, the division designs, develops and implements customized national learning solutions enabling the achievement of Agency priorities through improved employee performance.</p>



## 7 Stakeholders

Title of Organization, Branch, etc.	Stakeholder Relationship to CBSA & Roles and Responsibilities
<b>Immigration and Refugee Board (IRB)</b>	The IRB is responsible for making decisions on immigration and refugee matters in accordance with the IRPA. Beyond the initial 48 hours of detention, the Immigration Division of the IRB has sole jurisdiction to determine if continued detention is warranted as well as for establishing the conditions of release.
<b>Immigration, Refugee and Citizenship Canada (IRCC)</b>	IRCC has overall responsibility for immigration and refugee matters (except those under the responsibility of CBSA – serious criminality, organized crime, etc.) stemming from the IRPA. The CBSA is the operational enforcement arm to IRCC.
<b>Correctional Service Canada (CSC)</b>	CSC is responsible for the management and control of individuals (including Permanent Residents and Foreign Nationals) serving a federal sentence.
<b>Provincial Correctional Authorities</b>	The day-to-day management of the CBSA's detention program is carried out through the use of three CBSA-run IHCs and a reliance on provincial correctional facilities. These latter facilities are used to detain higher-risk individuals and for all detainees in areas where no IHC exists.

## 8 Options Analysis

### 8.1 ATD Community Supervision Program: Tiered Approach

Following extensive discussions with internal and external stakeholders, it is recommended that the CBSA adopt an ATD program that incorporates case management principles within CS programs, supported by ES tools, to allow for the release of detainees in a manner that mitigates risk and maximizes ATD participant's mobility.

The National ATD Program would be made up of the following three tiers:

	Programs
<b>Tier I: Compliance Management</b>	<b>Community Compliance:</b> an individual agrees to abide by a set of conditions supporting ongoing compliance in the community.
<b>Tier II: Release Management</b>	<b>Supervised Community Release:</b> an individual is released on bond to a Surety, or to a Third-Party Service Provider (i.e. Toronto Bail Program).

**Biometric Compliance:** voiceprint technology used for telephone reporting at regular intervals to comply with reporting conditions  
**Biometric Supported Reporting:** Biometric reporting (e.g., voiceprint, fingerprint).  
**Electronic Monitoring:** constant monitoring to ensure real-time compliance and immediate enforcement action if a breach of conditions occurs



### **8.1.1 Community Supervision**

In the Canadian immigration detention context a CS program would promote either the successful reintegration of individuals into the community where removal is highly unlikely due to impediments beyond the control of the detainee, or would assist individuals maintain compliance until their removal, while maintaining the level of risk management considered appropriate for each individual. Case Management principles would contribute to the management of that risk through the facilitation and coordinating of necessary services, as documented in a supervision plan, based on a comprehensive assessment of the client's risk and needs, and providing for appropriate monitoring and intervention. A supervision plan could include any or all of the following elements:

- reporting requirements;
- specialized programming (e.g. health/mental health, addiction);
- employment/school requirements; and
- residency obligations.

A variety of release management tools would be developed under the CS component of the ATD Program, to allow for the release and supervision in the community of as many eligible detainees as possible.

#### **8.1.1.1 Tier I: Compliance Management**

Tier I of the CS ATD program would be tailored to individuals who are assessed as requiring little supervision within a "compliance management" tier. The imposition of conditions or enrollment in a monitoring program would reinforce the individual's need to comply with conditions in order to remain in the community with limited to no supervision. This tier would allow the CBSA to enroll individuals into a monitoring system early on in their immigration process and could lead to increased monitoring as removal becomes more imminent, if required. Enforcement action against those who do not comply in this tier would be negligible but would help build a case for a pattern of non-compliance for future consideration. Programs within Tier I ES stream include the imposition of reporting conditions.

#### **8.1.1.2 Tier II: Release Management**

Tier II is the ATD "release management" tier wherein an individual is released from detention into the community with increased reporting conditions to mitigate risks. This tier provides the Agency with the capacity to closely manage individuals released from detention as well as undertake enforcement action as a result of non-compliance, including increased limited freedom of movement if required. Examples of current and future state Tier II ATD mechanisms include release to a surety or release into a Supervised Community Release Program, similar to the Toronto Bail Program (TBP) that currently exists in the Greater Toronto Area Region (GTAR).

#### **8.1.1.3 Tier III: Higher Risk Monitoring**

Finally, Tier III would encompass "higher risk monitoring" to allow the CBSA the ability to consider or recommend release of longer term detainees into a Controlled Community Release Program, particularly where removal is not probable in the foreseeable future due to removal impediments. These individuals would be placed in a far more restrictive program with more stringent conditions. Examples include participation in a community release program with the additional imposition of mandatory residency obligations in a designated facility that allows for daily release for work/school, and curfew, for example.



### **8.1.2 Electronic Supervision**

ES is intended to support release into the CS program through the use of biometric and Global Position System (GPS) technology to confirm the identity and monitor the location of ATD participants. While ES tools as stand-alone release mechanisms are limited in their ability to mitigate the risk posed by released individuals, when used in conjunction with CS enrollment it is anticipated that client compliance and the ability to locate those who fail to comply will be improved when compared with those enrolled in CS only.

Electronic forms of supervision, including Voice Recognition (VR) and Electronic Monitoring (EM) are considered within many jurisdictions as valuable compliance and enforcement tools. The United States Immigration and Customs Enforcement (USICE), Correctional Services Canada (CSC) and the Provinces of Ontario, Quebec and British Columbia have all successfully implemented VR and/or EM systems to monitor clients and their location, and have plans to continue or expand the use of EM programs. Information on EM programs adopted by US ICE, CSC and Ontario is available at Appendix II, while a full environmental scan of EM programs is available at Appendix III.

#### **8.1.2.1 Tier I: Compliance Management**

Tier I of the ES Program would require enrollment in the Voice Reporting (VR) program within a “compliance management” context. VR would allow the CBSA to further reinforce the need for compliance, while offering the ability to use a biometric voiceprint to confirm identity when reporting with a cell phone or land line telephone.

#### **8.1.2.2 Tier II: Release Support**

Building on the VR program, ES Tier II involves an enhanced VR that uses Location Based Services to confirm the location of those clients who fail to comply with the conditions of release. Concurrent enrolment in a CS program (surety release or release to a third-party service provider) would be recommended for enrollment in ES Tier II.

#### **8.1.2.3 Tier III: Higher Risk Monitoring**

Finally, Tier III ES would facilitate the monitoring of “higher risk clientele” through a GPS or Radio Frequency (RF) EM system. The use of the Tier III ES technologies will be limited to a select group of higher risk detainees, whose removal is unlikely due to removal impediments, or where release by the IRB, while not preferred by the CBSA, is likely. Limiting the geographical movement of ES Tier III participants will allow the CBSA to monitor curfew or house arrest conditions in a manner that makes it easier to track and apprehend as needed.

## **8.2 Governance & Role of Service Providers**

The CBSA’s ATD Program would be managed from National Headquarters (NHQ), with the Enforcement & Intelligence Programs Directorate having responsibility for the overall program management, and oversight of program components and needs on a national scale, including:

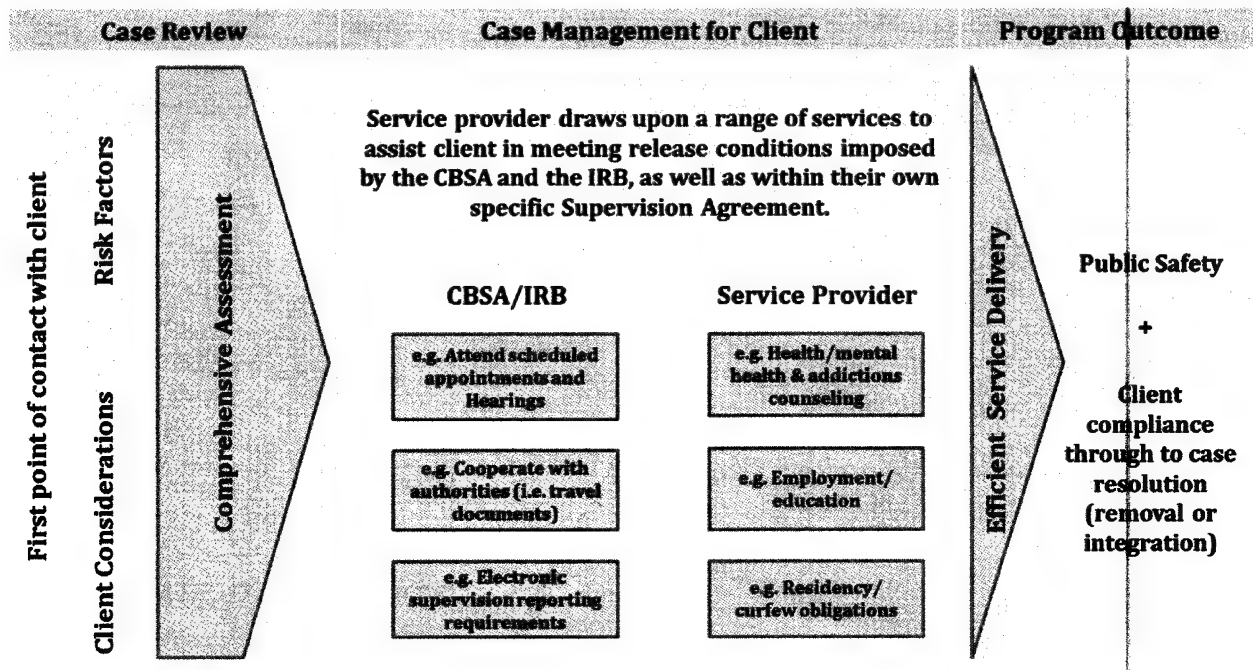
- Relevant program and policy development, as required
- Contract management of third-party service providers



The Enforcement & Intelligence Operations Directorate would have operational responsibility for ensuring the program is delivered as intended and provide direct operational support to the regions, including:

- Functional oversight and guidance to regional staff
- Interaction, as needed, with third-party service providers in the operational environment
- Performance measurement

In terms of the provision of case management and CS services, the following is a high level process flow for release into a Supervised and/or Controlled Community Release Program:



#### Case Review

The CBSA would maintain responsibility of the "Case Review" stage. In this stage, a designated CBSA Release Liaison Officer (RLO) would undertake a comprehensive risk/needs assessment on each eligible individual [based on the outcome of the NRAD tool, completed by the Detention Liaison Officer (DLO)]. This comprehensive risk/needs assessment would provide the basis for an individual's case management strategy, and would include a targeted release plan, including the need, as required, for enrolment in ES tools. The RLO would act as the CBSA "case manager" and would be responsible for liaising with the third-party case manager and with hearings officers. The CBSA RLO position will be largely modelled off of CSC's Parole Officer Position and would promote the program's consistent and appropriate use.

#### Case Management

Following the development of an individual's case management strategy and release plan, the CBSA would liaise with a third-party service provider to coordinate and/or carry out a range of case management and community



supervision services on the Agency's behalf. The CBSA would also liaise with the service provider to ensure effective enrolment in an ES tool. This would include the facilitation, coordination and monitoring of the various components of an individual's release plan.

The preferred governance model for the CS component of the ATD program would be one single national case management service provider responsible for managing and coordinating the release of immigration detainees into CS programs across all regions. As an extension of the case manager role, or through additional regional third-party service providers, the CBSA would also require that the case manager secure a set of specific core services to allow for the proper management of eligible individuals in the community. Specifically, the case manager would be expected to carry out the following functions on behalf and/or in partnership with the CBSA:

- ❖ **Individual Case Management & Planning:** Includes review of removal needs, initiating client supervision plans and coordinating and facilitating a comprehensive assessment, intervention and referral process to address individual client risk and need;
- ❖ **Intervention:** Includes establishing, fostering and maintaining effective, meaningful and professional interactions with clients through direct intervention and counselling to build rapport and to encourage clients to comply with all release conditions;
- ❖ **Referral to, or provision of Services:** As an extension of the case manager role, or through service provider sub-contractors, the CBSA requires that a variety of core services be made available including, but not limited to: supervision and monitoring; support services; accommodations and meals; and, enhanced or specialized services as needed;
- ❖ **Ongoing File Review:** Continued assessment and risk management, including monitoring of individual client progress against release plans and making adjustments to supervision plans as required, in consultation with the CBSA;
- ❖ **Case Closure:** Support to persons with pending removal, including the provision of information packages and other tools to allow for easier reintegration in their country of origin.

#### *Program Outcome*

A Case Management approach to CS, with the support of ES tools, will promote either the successful reintegration of individuals into the community where removal is unlikely due to impediments beyond the control of the detainee or would assist individuals maintain compliance until their removal, while maintaining the level of risk management considered essential for each individual.

## 9 Program Costs

Costs have been broken down by the level of intervention required to effectively mitigate various types and levels of risk. It is important to note that the population of individuals under consideration for participation in the ATD program is limited to a portion of those in the CBSA's working, stay, monitoring and warrant





inventories, who, due to risk factors related to flight and danger, would have been assessed as displaying medium to high risk factors as outlined in the NRAD tool.

## 9.1 Community Supervision Costs

As outlined above, costs have been broken down into three levels of required intervention on the part of the CS case management service provider:

### Level of Intervention: Low

Population: Tier II Supervised Community Release  
 Risk Mitigation: Flight  
 Services Rendered: Basic reporting and monitoring  
**Cost:**

*Description of Services:* A non-residential program offering basic monitoring and support services. Individuals report to staff on a pre-determined basis to participate in services agreed upon and required by the CBSA. Services provided may include regular observation/monitoring (daily if required), curfew checks, telephone and in-person crisis counseling.

### Level of Intervention: Medium

Population: Tier II Supervised Community Release  
 Risk Mitigation: Flight and criminality  
 Services Rendered: Supervision and support services  
**Cost:**

*Description of Services:* A non-residential program offering monitoring and support services for those individuals who require additional support to assist with release to the community. Similar to the basic reporting model, individuals are expected to report on a pre-determined basis to participate in services agreed upon and required by the CBSA. Additional support services would include securing services appropriate for their individual needs or for public safety requirements, including crisis management, substance abuse counseling, employment and housing assistance, mental health services, etc.

### Level of Intervention: High

Population: Tier III Controlled Community Release  
 Risk Mitigation: Flight, criminality and danger  
 Services Rendered: Residency and support services  
**Cost:**

*Description of Services:* A residential program available on a 24/7 basis to allow for the close and controlled monitoring of higher-risk individuals' access to the community. All support services provided for in Tier 2 programming would be available however the individual would be required to reside in a specific facility.



## 9.2 Electronic Supervision Tools Costs

ES costs are related to CBSA staffing for program administration, contracting of service providers and the acquisition of tools required for service delivery. Information attained in the environmental scan of VR and EM costs related to contracting the service provider and acquiring the tools required to administer the VR and EM programs, influence the recommended threshold for cost estimates.

### Level of Intervention: Low

Population: Tier I Electronic Supervision-Released individuals enrolled at PRRA initiation

Risk Mitigation: N/A Compliance Only

Services Rendered: Voice Reporting (VR) Monitoring

**Cost:**

### Level of Intervention: Medium

Population: Tier II Electronic Supervision-Enhanced Voice Reporting

Risk Mitigation: Flight and Criminality

Services Rendered: Voice Reporting and monitoring with location based services

**Cost:**

### Level of Intervention: High

Population: Tier III Electronic Supervision-Electronic Monitoring (EM)

Risk Mitigation: Flight, Criminality and Danger

Services Rendered: Ongoing reporting and monitoring

**Cost:**



## **All ATD Program Costs**

Note: The program costs outlined above do not include those ATD programs already in place on a national scale, i.e., release on basic conditions or on bond and/or surety. Any downstream costs related to other Inland Enforcement program areas (i.e. Hearings, non-road unit Investigations, etc.) are not currently included, nor is any of the support costs associated with program management and operations support for these downstream costs.

Note: The above noted ATD program costs represent an initial assessment. A comprehensive analysis of all costs and any potential cost avoidance will be identified in the ATD Business Case. This Business Case is a requirement for Gate 3 approval within the CBSA's Project Portfolio Management Lifecycle process.



## 10 Funding

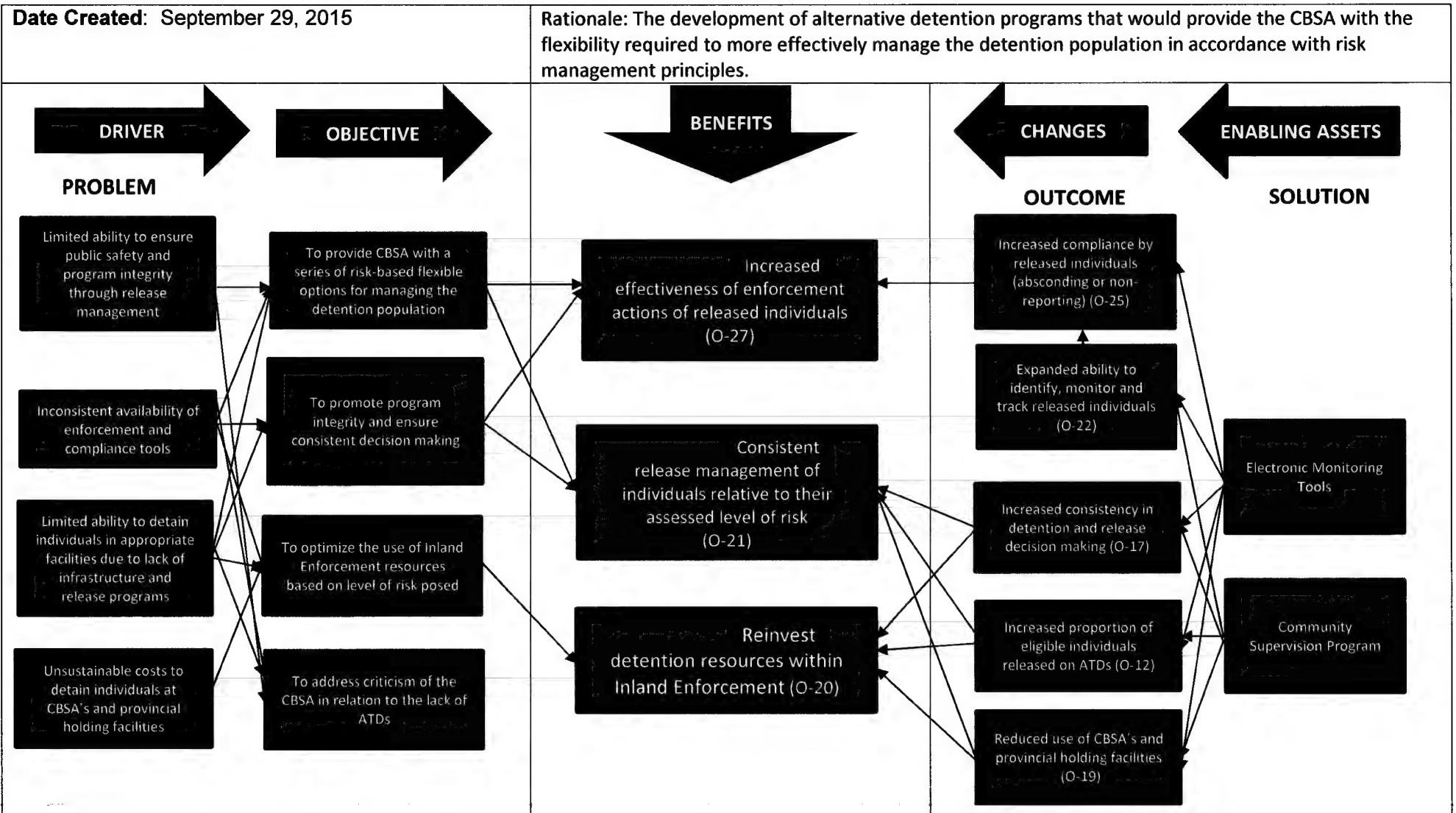
Funding for the ATD program is anticipated to be sourced as follows:

1. CS Tier I: Salary and O&M – current A-base as ongoing activity
2. CS Tier II and III: Salary and O&M from realigned or new Detentions Program funding
3. ES Tier I-VR System: Capital Funding (to be requested for 2015-2016 Capital Plan)
4. ES Tier I-III: Salary and O&M from realigned or new Detentions Program funding

## 11 Risks



## Appendix I: Investment Logic Map





## Appendix II: Summary of Current EM Programs-Key Partners

### A. US ICE:

Immigration and Border Security cases may be placed on EM at Port of Entry or inland in order to encourage attendance at refugee, admissibility, and removal hearings. Enrolment in EM results in higher level of compliance with immigration provisions and EM participation contributes to a higher rate of departure/removal following failure to comply when compared to those released on bond only (1 FTC: .6 (bond) vs. 4.3 (EM)). Approximate costs for US EM is \$5/day however this does not include staffing costs.

### B. CSC EM Pilot:

CSC is currently (2015/16) launching a national EM program based on its 2008/12 EM pilot. The CSC EM program facilitates the release of offenders on conditional release into the community and was created in part to provide parole officers with an additional tool for managing cases. Pilot results indicate that the EM program is an efficient, effective alternative to traditional parole tools. CSC does not have a per day, per user cost due to the short pilot period.

### C. Government of Ontario:

Ontario Ministry of Community Safety and Correctional Services (MCSCS) has launched an ES program that utilizes RF to impose curfew and house arrest on parolees and those with conditional sentences. The program currently serves 200 individuals throughout the south central region of the Province and will be expanded in coming years. The program successfully provides an alternative to detention, and a cost effective monitoring tool for program participants. Approximate costs for the Ontario ES system (RF) is \$5/day, with an additional \$12/day incurred for staffing costs.



## Appendix III: Environmental Scan of EM Programs

	U.K.	U.S.A.	AUSTRALIA	SWEDEN	BELGIUM	NEW ZEALAND	CANADA				
							BC	Ont	QC	NB	CSC
<b>EM Program</b>	Yes	Yes	Yes (criminal)	Yes (criminal)	Yes (criminal)	Yes (criminal)	Yes	Yes	Yes	Yes	Yes
<b>RF System</b>	Yes	Yes	Yes	Yes	Yes		Yes	Yes	No	Yes	No
<b>GPS System</b>	Yes	Yes	Yes	No	No		Yes-2016	No	No	No	Yes
<b>Other</b>	VR	VR	No	No	No	In person monitoring by Police	Finger-print	Yes	Vein	No	No
<b>Enforcement Action</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Restrictions</b>	• Age: 18 • Requires consent	• Age: 18	• Age: 17 • Requires consent	• Age: no restriction • Requires consent	• Age: 18	• Requires consent	• 18	• 18	• 18	• 18	•: 18
<b>Conditions for Use</b>	• No vulnerable persons					• Pre-trial custody					
<b>Cost (per person/per day)</b>	• \$18.87	• \$5-12.33	• \$10.28	• \$4.58	• \$13.27-15.92	• Privately funded	\$16 (RFP-stage)	\$17	TBD*	TBD	TBD

\*Costs TBD is based on existing contract negotiations and/or unknown per person/day costs



## **Background Note:** **The CBSA's Alternative to Detention Program**

### **KEY MESSAGES:**

- To protect the safety, health and security of Canadians and the integrity of our border, Canada's immigration laws permit the Canada Border Services Agency (CBSA) to detain individuals.
- It is an unacceptable risk to release into Canadian communities any individual whose identity has not been verified and who could potentially be inadmissible to Canada on grounds of security, international or human rights violations and/or organized criminality.
- The CBSA recognizes that denying a person's liberty is a serious matter. This is defined within the CBSA's legislative framework and its administrative guidelines, which support the selective use of detention, except in the cases of designated irregular arrivals.
- Detention guidelines require officers to consider all reasonable alternatives before detaining someone for immigration purposes. In fact, the CBSA relies upon a variety of alternative measures to detention when appropriate and where specified conditions are met, such as reporting requirements, deposits and guarantees.

### **BACKGROUND:**

Detention is not arbitrary in nature, nor is it intended to be indefinite. The CBSA's decision to detain a person under the *Immigration and Refugee Protection Act* (IRPA) is subject to review. Under the regular provisions of the IRPA, a second CBSA officer will review an officer's original decision. This officer will consider any new information and can authorize release under certain conditions, including alternatives to detention, within the first 48 hours. After the first 48 hours it becomes the responsibility of the Immigration and Refugee Board (IRB), an independent, quasi-judicial tribunal, to determine whether detention is still warranted. If the IRB orders continued detention, a further review will be conducted within seven days and at least once every 30 days for as long as the person is detained. The IRB may also release a detainee subject to conditions, and alternatives to detention.

### **ALTERNATIVES TO DETENTION & THE NATIONAL DETENTION STRATEGY**

As part of the CBSA's border modernization agenda, the National Detention Strategy (NDS) will renew the detention program, introducing transformative initiatives for the efficient and effective management of the detention program into the future. Aligning with the priority to strengthen organizational resilience, the CBSA is looking to:

- develop efficiencies and a new approach to risk;
- implement new best practices and high service standards nationally; and,
- make concrete efficiencies and best practices in modernizing the infrastructure, particularly through the new contracts.



The development of a more comprehensive Alternative to Detention (ATD) Program has been identified as an initiative under the NDS.

#### *Alternatives to Detention – Current State*

The CBSA relies on various alternatives to detaining individuals in an Immigration Holding Centre. Within the first 48 hours of detention, the CBSA, and thereafter the IRB, can impose conditions on an individual and release them from detention. In many cases, this will involve a performance bond and/or a cash deposit from a bondsperson and the imposition of other conditions, such as regular reporting to the CBSA.

**Community Supervision:** The CBSA has also uses other initiatives like the Toronto Bail Program (TBP) as a detention alternative that provides for intensive community supervision of detainees by a non-profit partner. The TBP is a risk-managed community supervision program offered by a non-profit organization that provides the CBSA in the Greater Toronto Area Region (GTAR) with community supervision of foreign nationals and permanent residents detained under IRPA who would otherwise remain in custody (i.e. those without bondspersons, who require supervisions, and/or, who do not qualify for the IRB traditional forms of release). The TBP offers an alternative to detention and is the only supervision program of its kind in Canada. Generally, the detainees supervised by the TBP are:

- Refugee Claimants;
- Permanent Residents who have not respected conditions imposed by the Criminal Court or the IRB, and have a right of appeal;
- Those who have pending criminal charges;
- Those who have medical conditions.

**Electronic Monitoring:** Electronic monitoring consists of three different technologies: electronic tagging through radio frequency, biometrics (including Voice Recognition Technology) and Global Position Systems (GPS). Currently, the Agency makes limited use of electronic monitoring in immigration contexts. The CBSA maintains a Voice Reporting System in the GTAR as a means of monitoring removal cases and GPS tagging has also been used in select cases involving immigration detainees, as seen in cases of individuals subject to Security Certificates.

**Voice Reporting:** Currently, the GTA is the only region operating a Voice Reporting Program (VRP). The Program was implemented for the purpose of reducing the volume of in-person reporting in the GTAR. The VRP in the GTAR is an automated system for client reporting that utilizes voice biometric technology. It allows clients to report to the CBSA via telephone, according to a pre-determined schedule and is an alternate to reporting in person. Voice biometric technology verifies the caller's identity, and telephone caller ID technology identifies the caller's location. Since the program's inception in 2007, approximately 24,000 clients have been enrolled and more than 450,000 reporting calls have been received.

#### *Alternatives to Detention – Future State*

Building on the success of current programs in the GTA (TBP and Voice Reporting), the CBSA is exploring the feasibility of other community supervision programs, as well as a national Voice

Reporting Program. The Agency is currently developing a National ATD Program, which will also highlight these as potential programs for expansion.

A CBSA ATD program would take the following into consideration:

- Continued importance of detention - when appropriate;
- Alternative 'forms' of detention must also be explored within the umbrella of a broader compliance and release management program to manage high risk cases;
- More elaborate alternatives to detention need to be made available on a national level;
- Expanded application of risk management in decision-making will be required.



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

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For approval

## ALTERNATIVES TO DETENTION - ELECTRONIC SUPERVISION TOOLS

For the Vice President, Programs Branch

### PURPOSE

To seek support for the proposed Electronic Monitoring (EM) component of the Canada Border Services Agency (CBSA) Alternatives to Detention (ATD) program, and identify any possible program or policy gaps in the detention program as a result of recent *Habeas Corpus* decisions.

### ISSUE

While the proposed ATD program supported by Community Supervision (CS) is aimed at mitigating risk for low and medium risk ATD participants, additional tools will be required to mitigate the risk posed by high risk detainees released into the ATD program. The release of high risk detainees is anticipated to be more successful if technology-based Electronic Supervision (ES) tools are paired with CS release supervision options (including health and mental health, addiction, housing and employment care).

There would be value in implementing a modest EM component within the context of a broader ATD program that would allow the Agency to more effectively and efficiently monitor, track and locate high risk detainees that are released into the ATD program by the CBSA or the Immigration and Refugee Board (IRB).

The CBSA has established an ATD framework which has received wide ranging senior management support. This framework is scheduled to be presented at an upcoming Policy Advisory Committee meeting for approval.

Recent and current litigation has highlighted the Agency's inadequate ATD options through a series of *habeas corpus* applications. In these instances, the presiding judge commented on the inappropriate length an individual is detained for removal and that release on alternatives ought to be considered, including through the use of EM. Further, in the absence of any robust ATD options, these applications are now being reviewed by provincial courts with little experience in immigration matters, thereby increasing the risk that release without adequate conditions could result. It should also be noted that there has been an increase in IRB members opting to rule in favour of self-financed EM release, in particular for long term detainees where removal is

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deemed by the member to be highly unlikely. There does not appear to be an appreciation that EM on its own merits does not adequately mitigate risk and must be coupled with a CS program.

## BACKGROUND

As an enforcement agency, the CBSA strives to ensure the capacity to communicate with and locate foreign nationals as required. However, the Agency presently depends solely on that individual's intentions to comply with conditions and lacks the ability to track an individual's location in real-time and at frequent intervals. CBSA's significant arrest warrant inventory is indicative of the results inherent in a program without proper monitoring tools, which are vital to support effective enforcement. The implementation of Global Positioning System (GPS) or Radio Frequency (RF) EM tools, through which active monitoring and location confirmation of program participants is possible, is one of the key recommended approaches to addressing this program risk.

The success of the criminal EM program administered by Correctional Services Canada (CSC) is often referenced when arguing that EM would not be equally successful for immigration detainees. Successful reintegration of criminal cases is understood to be due, in part, to the fact that as a Canadian citizen or permanent resident, a participant's ties to Canada are strong. Within the criminal context, those who comply with EM requirements are said to do so with the end goal being return and reintegration into the community. Consequently, it is sometimes argued that success in the immigration context would be less likely because there is no goal of integration, and ties to Canada are weak or non-existent.

However, it is the impact of failing to comply that differentiates criminal from immigration ATD cases. In criminal release cases, failure to comply results in re-incarceration, but this extends to warrant expiry only, with release eventually guaranteed. Immigration cases released on ATDs who do not comply with their conditions would be re-arrested, detained and would have great difficulty convincing the IRB to re-release them. In essence, the threat of long term detention is likely to encourage continued compliance for ATD cases, as supported by findings from our U.S. counterparts.

In assessing the validity of an amended and/or expanded EM component of the ATD program within the Canadian context, we have examined other jurisdictions that consider electronic forms of supervision to be valuable compliance and enforcement tools. The United States Immigration and Customs Enforcement (US ICE), CSC and the Provinces of Ontario, Quebec and British Columbia have all successfully implemented RF and/or EM systems to monitor clients and their location, and have plans to continue or expand the use of EM tools (Appendix A includes an environmental scan of EM programs). Most recent analysis of these programs launched indicates that EM is a cost effective (+/- \$20/day), resource-efficient way to confirm location, and therefore, if used in the CBSA context, would provide the ability to expeditiously locate absconded individuals for removal.

The most comparable and relevant programs include:

PROTECTED B

**A. US ICE:**

Immigration and Border Security cases may be placed on EM at Port of Entry or inland in order to encourage attendance at refugee, admissibility, and removal hearings. Enrolment in EM results in a higher level of compliance with immigration provisions and EM participation contributes to a higher rate of departure/removal following failure to comply when compared to those released on bond only (1 FTC: 0.6 (bond) vs. 4.3 (EM)). Approximate costs for US EM is \$5/day however this does not include staffing costs.

**B. CSC EM Pilot:**

CSC is currently (2015/16) launching a national EM program based on its 2008/12 EM pilot. The CSC EM program facilitates the release of offenders on conditional release into the community and was created in part to provide parole officers with an additional tool for managing cases. Pilot results indicate that the EM program is an efficient, effective alternative to traditional parole tools. CSC does not have a daily, per user cost due to the short pilot period.

**C. Government of Ontario:**

Ontario Ministry of Community Safety and Correctional Services (MCSCS) has launched an EM program that utilizes RF to impose curfew and house arrest on parolees and those with conditional sentences. The program currently serves 200 individuals throughout the south central region of the Province and will be expanded in coming years. The program successfully provides an alternative to detention, and a cost effective monitoring tool for program participants. Approximate costs for the Ontario EM system is \$5/day, with an additional \$12/day incurred for staffing costs.

**D. Existing CBSA Cases:**

The CBSA's past experience with EM, while mainly focused on Security Certificate cases, was anecdotally determined to be overly costly and resource intensive. This was due largely to the fact that 24/7 active monitoring and surveillance was required.

However, as stated previously the IRB gives serious consideration to, and courts have been advocating for the use of, EM release when faced with long term detainees where removal is unlikely based on impediments. There is particular support for cases where the client is willing to self-finance EM enrolment. At present there are four (4) long term detainees that have been released into a self-funded EM program.

Self-funding raises three key issues:

- 1) While the self-funding model allows cost recovery for EM tools (ankle monitor and modem), as well as first level monitoring by the service provider, it does not cover enrolment costs, or costs associated with CBSA officers undertaking desk investigations or attending calls when a tamper warning or enforcement notification is received.
- 2) The decision by IRB members to grant self-funded release creates a *de facto* two-tiered detention release program, further accentuating disparity between those with the means to

PROTECTED B

'buy' release, and those who do not possess these means, and therefore must remain in detention.

- 3) There is a risk that release onto self-funded EM may utilize illegally sourced funds. While Immigration and Refugee Protection Regulation 47(3) stipulates that a legal source of funds must be used to secure release on bond, and that interpretation of this regulation can be extended to EM release, the same standard may not apply when EM release is ordered by the IRB.

Approximate costs for the proposed CBSA EM program is \$22 a day for EM tools, with an additional \$42 for staffing costs (FB03). This costing is based on the recently removed case in Prairie Region whereby a detainee was on EM for four months. Regional staff further commented that this staffing cost reflects 30 minutes per day, and is the minimum that would be required for a release case of this complexity and risk level.

## CONSIDERATIONS

Based on information garnered from recent CBSA experiences, and information provided by domestic and international partners, efforts have been taken to design an EM program that is effective and efficient at mitigating risk, while allowing detainees an appropriate level of mobility.

The following highlights proposed EM components, including potential enrolment, costs and implementation provisions:

### A. Enrolment:

Enrolment onto GPS EM would be as a 'last resort' for high risk cases wherein risk can be mitigated through ATD release, and long term detainees with impediments to removal. It is imperative that EM enrolment be in conjunction with an ATD CS release plan that includes some form of appropriate community supervision (health/mental health care, addiction services, housing and employment information).

### B. Volumetric:

Based on volumetric assumptions, the CBSA would anticipate no more than 80 participants in the EM program at any one time:

	GTA	PAC	PRA	NOR	SOR	QUE	ATL	Total
Relevant Regional Inventory	13588	2469	4427	1719	667	7825	177	30871
% of detained cases for potential enrolment	0.25%							
Potential Volumetric	34	6	11	4	2	20	0	77

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In order to arrive at a national volumetric assumption for EM enrolment 0.25% of each region's relevant regional inventory was calculated. This percentage was arrived at in an attempt to consider both the resource implication of EM monitoring on CBSA operations and the recent decision by the IRB and the courts to consider release of long term detainees onto EM.

### C. Monitoring Capacity:

Due to the high risk nature of clients enrolled in EM, ongoing real-time monitoring that is supported by applicable tools and systems must be provided by the service provider. The services of an industry expert, obtained through the tendering process, capable of providing EM tools, supporting systems, monitoring tools, and training required for CBSA staff would need to be secured. It is proposed that the Warrant Response Centre (WRC), with whom discussions are ongoing, is best placed to provide 24/7 flexible monitoring. Monitoring could include mandatory residency/curfew, exclusion and inclusion zone monitoring; and constant, active monitoring within an approved kilometer radius as identified by the CBSA and/or the IRB.

### D. Costs:

Based on the CBSA Resource Allocation Model calculated for this project, and industry standards, the following costs have been calculated for ATD ES Tier III: EM participation

	Daily Costs
Staffing Cost	
O&M Tools	
National annual enrolment	
Annual participation	
Annual cost estimate	

These costs include enrolment in EM including tool installation in the region, ongoing monitoring at the WRC, referral of applicable clients to regional staff, and regional enforcement action. Support for officers by clerical and management staff is also included in the calculation.

## NEXT STEPS

The CBSA will continue to work with stakeholders and partners to design an EM component of the ATD program that meets the Agency's goal of supporting the release of high risk detainees, when required and warranted. CBSA Programs Branch will broaden dialogue to engage international and domestic stakeholders including Public Safety portfolio partners and Citizenship and Immigration Canada to discuss program parameters and potential issues.

Furthermore, in light of recent decisions by the IRB to release detainees on self-funded EM, CBSA Programs Branch and Operations Branch will consider piloting EM release, in partnership with enrolment in the Toronto Bail Program, in the GTAR. Findings from this pilot may be used to inform the design and implementation of the larger ATD program.

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## RECOMMENDATION

It is recommended that you support the continued development of EM tools as part of the overall ATD project proposal, and the consideration of a pilot program in the GTAR.

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Monik Beauregard  
Director General  
Enforcement and Intelligence Programs

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Peter Hill  
A/Vice-President  
Programs Branch

I approve ☐

I do not approve ☐

### Appendix:

1. Environmental Scan of EM programs



## Appendix A: Environmental Scan of EM Programs

	U.K.	U.S.A.	AUSTRALIA	SWEDEN	BELGIUM	NEW ZEALAND	CANADA				
							BC	Ont	QC	NB	CSC
<i>EM Program</i>	Yes	Yes	Yes (criminal)	Yes (criminal)	Yes (criminal)	Yes (criminal)	Yes	Yes	Yes	Yes	Yes
<i>RF System</i>	Yes	Yes	Yes	Yes	Yes		Yes	Yes	No	Yes	No
<i>GPS System</i>	Yes	Yes	Yes	No	No		Yes-2016	No	No	No	Yes
<i>Other</i>	VR	VR	No	No	No	In person monitoring by Police	Finger-print	Yes	Vein	No	No
<i>Enforcement Action</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Restrictions</i>	• Age: 18 • Requires consent	• Age: 18	• Age: 17 • Requires consent	• Age: no restriction • Requires consent	• Age: 18	• Requires consent	• 18	• 18	• 18	• 18	• 18
<i>Conditions for Use</i>	• No vulnerable persons					• Pre-trial custody					
<i>Cost (per person/per day)</i>	•\$18.87	•\$5-12.33	•\$10.28	•\$4.58	•\$13.27-15.92	• Privately funded	\$16 (RFP-stage)	\$17	TBD*	TBD	TBD

\*Costs TBD is based on existing contract negotiations and/or unknown per person/day costs



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**VALIDATED REQUIREMENT FORM - INFORMATION, SCIENCE AND TECHNOLOGY BRANCH (ISTB)**  
Version 1.0 April 28, 2015

Requirement is defined as any new service or enhancement to an existing service represented as a business need or problem

**This section is reserved for ISTB Client Portfolio Management Division (CPMD)**

Requirement Identification Number:

Date Submitted:

**Sections 1 & 2 are to be completed by the Business Owner**

**SECTION 1 Submitter Information**

Name

Julia Feesey

Branch  
Programs Branch

Directorate  
Enforcement and Intelligence

Division & Director  
Program Performance, Reporting &  
Transformation, Martin Sheehan  
Enforcement & Intelligence Programs, Stephen  
Bolton

Monik Beauregard  
Director General Authorizing the Submission

**SECTION 2**

**Requirement Description**

Title:

Alternative to Detention (ATD) Electronic Monitoring System

**Requirement Statement:**

Global Positioning System (GPS) or Radio Frequency (RF) Electronic Monitoring (EM) is an effective risk mitigation tool used by law enforcement agencies within Canada and internationally. The Canada Border Services Agency (CBSA) seeks a service provider with whom to partner in the acquisition, installation and program delivery of an EM program that, along with other Electronic Supervision Tools supports the Community Supervision component of the proposed Alternative to Detention (ATD) program.

**Driver:**

The CBSA has established a detention program built upon strong relationships with the Immigration Refugee Board, provincial governments and domestic and international Non-Governmental Organizations (NGO). However, the detention program currently faces various pressures including lack of nationally consistent policy and programs; increased reliance on provincial facilities; increasing provincial *per diems*; longer detention terms; and, pressure from the NGO community to amend policies in certain instances.

The CBSA strives to address these pressures through an implementation of the National Detention Strategy (NDS) and the ATD program is a key component of the NDS. An ATD program must balance the impact of detention on the individual, with the impact of release by those who may intend to abscond or who threaten the safety of Canadians.

Once released into the community the CBSA lacks the capacity to monitor the individual's location and must depend on the individual's good intentions. Due to the risk that is, or may be posed by those released, the CBSA seeks to implement a GPS or RF EM program through which active monitoring and location confirmation of program participants is possible.

Only those ATD participants that pose the highest level of risk will be considered for the EM program, and enrolment in EM must be in tandem with release into the ATD Community Supervision program. Information garnered through active monitoring via GPS or RF will allow the CBSA the ability to expeditiously locate and apprehend ATD participants who fail to comply as required.

Request for Change (RFC) ID (if applicable):  
N/A

**Prioritization:**

Urgent. The GPS or RF EM program is a key component of the ATD program and the inability to identify and attain a service partner and implement the EM program in a timely manner may delay the overall launch of the ATD program.

**Requirement Applicability (if known):**

Enforcement and Intelligence Programs and Operations

**Demand Forecast:**

Based on volumetric assumptions the CBSA anticipates a national enrolment of not more than 80 participants in the EM program at any one time. However, due to unforeseen issues impacting removal, the CBSA seeks a partner with the capacity to service approximately 100 participants.



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Version 1.0 April 28, 2015

Requirement is defined as any new service or enhancement to an existing service represented as a business need or problem

The scope of program access must extend nationally and must be available 24/7/365.

The scope of monitoring must be flexible and provide for mandatory residency or curfew; exclusion and inclusion zone monitoring; and constant, active monitoring within an approved kilometer radius.

**Business Benefits:**

Investment would allow the CBSA to acquire a service provider with the ability to implement an EM program to monitor high-risk ATD program participants. Failure to implement the EM program will leave the Agency lacking same-time, effective monitoring that supports cost-effective and timely location and apprehension of released individuals who may pose a risk to Canadians.

**Capital Plan Priority:**

Yes, Immigration Enforcement and Intelligence Program

**Funding:**

This initiative will be funded through reallocation of funds from the Detention program

**Alignment with CBSA Business Priorities:** Check all that apply and provide rationale.

- ☒ Secure the Border
- ☐ Streamline Border Experience
- ☐ Advance Global Border Management
- ☒ Strengthen Organization Resiliency

**Rationale:**

Further supports the CBSA's Enforcement and Intelligence mandate. Implementing an ATD program allows the CBSA to effectively and consistency support the release of eligible program participants in a manner that mitigates risk in an effort to strengthen the removal program.

**Supplementary Information:** It is important to include any known supplementary information such as:

- Stakeholders involved
- Risks of not implementing
- Interdependencies
- Constraints




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Version 1.0 April 28, 2015

Requirement is defined as any new service or enhancement to an existing service represented as a business need or problem


<b>Validated Requirement Statement:</b> A concise statement of the requirement in ISTB consumable format. (Statement shall be solution, technology and architecture agnostic).			
<b>Dependency/Relationship/Duplication:</b> Document any dependency, relationship or duplication to an existing requirement.			
<b>Requirement Applicability:</b> Confirm the correlation of the requirement to a portfolio or portfolios and to a service or services.			
<b>Demand Indication (If known):</b> Estimate or forecast of demand for existing services or evolution/enhancement of services.			
<b>Business Benefits:</b> Directly enter benefits identified by the submitter.			
<b>Supplementary Information:</b> Add any details of merit.			
<b>Date Requirement Validation Review Commenced:</b>			
<b>Date Requirement Validation Review Completed:</b>		<b>Date Submitter Informed of Requirements Validation Results:</b>	
<b>Client Relationship Manager:</b>			
<b>Supplementary Reviewer Comments</b>			
<b>Was Validated Requirement forwarded to Requirement Feasibility Process (Yes / No)?</b>	<b>If Yes, date forwarded:</b>	<b>Service Portfolio Management Group:</b>	
	<b>If No, provide explanation</b>		

2016-06-02



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**Gate 2  
Alternative to Detention  
Program**

**Common Portfolio Programs  
Branch**

**Transformation, Innovation  
and Project Portfolio  
Committee**

**Date: March 15, 2016**



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Investment Proposal Review Committee



## Purpose



To provide an overview of the Investment Proposal including:

- Overall fit against the Agency's strategic objectives and corporate capacity to undertake the initiative;
- Overview of the Business Outcomes;
- Scope;
- Key stakeholders;
- Dependencies;
- Risks;
- Benefits; and
- Gate 2 decision from the Portfolio Advisory Committee.

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Investment Proposal Review Committee

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2016-06-02

## Executive Summary



### Alternatives to Detention Program

Project Portfolio	Common Portfolio
Project Lead	A/DG Lesley Soper, Enforcement and Intelligence Programs
Project Type	IT Project
Business Need	The CBSA is required under the Immigration and Refugee Protection Act (IRPA) to consider all reasonable alternatives to detention.
Cost	\$12,300,000*
Proposed Start Date	April 1, 2016
Proposed End Date	January 1, 2018

\*This initial estimate is based on average detention costs vis-à-vis projected inventory and ATD industry standards.

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## Strategic Fit/Objectives



The Canada Border Services Agency's (CBSA) National Detention Strategy is part of the CBSA's border modernization Agenda. The ATD program is a key component of the National Detention Strategy.

The ATD Program will assist with achieving three general outcomes of the National Detention Strategy: national consistency, efficiency through improved risk management, and effective use of release options.

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## Dependencies



The ATD program is dependant on:

- 1) The availability and capacity of CBSA staff to design and implement the ATD program.
- 2) Third party service providers that are willing and able to ensure effective and efficient program delivery.
- 3) Effective and timely NGO and partner (IRB) engagement on ATD program design

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## Risk



Risks if an expanded national ATD program is not implemented:

- 1) Inability to manage the risk posed by released detainees: In absence of an ATD program, detainees may be released without appropriate tools to mitigate risks (i.e., compliance/flight risk, criminality).
- 2) Detention costs are maintained or increased: Without ATDs, the CBSA may detain individuals for longer periods of time. This would result in detention costs remaining the same, or increasing as impacted by rising per diem charges imposed by the province.
- 3) Nationally inconsistent program delivery: Detainees in regions with existing ATDs have access to programming, whereas those in other regions do not. This creates a two-tiered system.
- 4) Continued lack of consensus between the CBSA, the IRB and the NGO community on the expanded use of ATDs.

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## Benefits

<b>Service</b>	<p>Consistent release management of individuals relative to their assessed level of risk.</p> <p>Example: utilise a series of risk-based release options to ensure consistent decision making.</p>
<b>Savings</b>	<p>Cost avoidance for inland enforcement</p> <p>Example: detention costs avoided resulting from release of ATD participants could result in a decrease in the funds required for future infrastructure investments (i.e. IHCs)</p>
<b>Security</b>	<p>Increased effectiveness of enforcement actions of released individuals.</p> <p>Example: expanded capacity to monitor ATD program participants will allow the CBSA to more efficiently apprehend ATD participants who fail to comply and who abscond.</p>

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## Portfolio Advisory Committee Decision

The following Gate 2 recommendations / endorsement were made at the Portfolio Advisory Committee (PAC) on March 3, 2016:

- ATD Program endorsement recommended following:
  - Approval of the Investment Proposal at the Vice-President level (Complete)
  - Confirmation that the Investment Logic Map was developed in consultation with and is supported by Corporate Affairs Branch (Complete)

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## Next Steps



- Proceed to the Concept Phase and begin development of the Business Case
- Develop the Benefits Realization Plan

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## Appendix



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Project Management Gate Approvals				
Current Gate	Gate 2	PAC March 3, 2016	TIPP March 16, 2016	
Next Gate	Gate 3	PAC April 2016	TIPP May, 2016	EC June 2016

EC: Executive Committee PAC: Portfolio Advisory Committee TIPP: Transformation, Innovation and Project Portfolio Committee


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Service Lifecycle Management Framework			
(for IT-Enabled Projects Only)			
<b>Intake Approved</b> (for PPMF/PMF Gate 2)		Portfolio:	Common Services
		ISTB Service*:	Enforcement Service
		On Schedule:	Yes
		In Budget:	Yes
SLMF Work Product	Apollo ID (or link)	Date Approved at SMB	Apollo ID (or link) to SMB RoD
Feasibility Assessment (Dashboard)		February 8, 2016	
Alternate Service Delivery (ASD) RFI (if required)			
Conditional Approvals in effect: • None			
Approved SLMF Variances: • None			
Risks and Issues: • None			

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\* From v2.0 of the ISTB Support Service Directory

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**Gate 2**


**Alternative to Detention  
Program**

**Common Portfolio  
Programs Branch**

**Portfolio Advisory  
Committee**

**Date: March 3, 2016**

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INTEGRITY




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**Purpose**



To obtain Portfolio Advisory Committee (PAC) Gate 2 endorsement to proceed to the Transformation, Innovation and Project Portfolio committee:

- Overall fit against the Agency's strategic objectives and corporate capacity to undertake the initiative;
- Overview of the Business Outcomes;
- Scope;
- Key stakeholders;
- Dependencies;
- Risks; and,
- Benefits

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## Executive Summary



### Alternatives to Detention Program

Project Portfolio	Common Portfolio
Project Sponsor	DG Andrew LeFrank, Enforcement and Intelligence Operations
Project Lead	A/DG Lesley Soper, Enforcement and Intelligence Programs
Project Type	IT Project
Business Need	<p>The current Alternative to Detention (ATD) program does not address the following pressures:</p> <ul style="list-style-type: none"> <li>• Lack of national consistency</li> <li>• Ongoing reliance on provincial facilities</li> <li>• Increased cost of detention</li> <li>• Longer detention terms</li> <li>• Partner organizations seeking ATD</li> <li>• Judicial decisions (Habeas Corpus)</li> </ul>
Cost	\$12,300,000
Proposed Start Date	April 1, 2016
Proposed End Date	January 1, 2018

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## Strategic Fit/Objectives



The Canada Border Services Agency's (CBSA) National Detention Strategy is part of the CBSA's border modernization Agenda. The ATD program is a key component of the National Detention Strategy.

The ATD Program will assist with achieving three general outcomes of the National Detention Strategy: national consistency, efficiency through improved risk management, and effective use of release options.

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## Corporate Capacity



The design and implementation of the ATD program will be undertaken by the Enforcement and Intelligence Programs Directorate.

Resources with inland enforcement policy and project management experience have been assigned to this project.

Extensive consultation with internal and external stakeholders and partners are underway to ensure effective and efficient program design and implementation.

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## Overview of the Business Outcomes



The following business outcomes have been identified for the ATD program:

- Increased compliance by released individuals (absconding or non-reporting);
- Expanded ability to identify, monitor, and track released individuals;
- Increased consistency in detention and release decision making;
- Increased proportion of eligible individuals released on ATDs; and,
- Reduced use of the CBSA's and provincial holding facilities.

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## Scope

The ATD Program is to be defined in an interdependent multi-scoped package that will introduce national compliance and release management tools:

### Part I: Compliance Component:

- o Mirroring **Voice Reporting** Program supported by IT systems acquisitions and IT systems updates.

### Part II: Release Component:

- Enrolment in a **Community Supervision** program
  - o Mirroring Toronto Bail Program supported by service contracts and IT systems updates.
- Monitoring with **Electronic Supervision** tools
  - o Expanding to Enhanced Voice Reporting supported by service contracts, IT systems acquisitions and IT systems updates.

This program scope includes resource planning that extends from pre-release assessment through ongoing monitoring for individuals who continue to comply, to enforcement action for those who fail to comply.

Outside the scope of this proposal is the effective management of the CBSA Detention Program.

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## Key Stakeholders

Title of Organization, Branch, etc.	Stakeholder Relationship to CBSA	Roles and Responsibilities
Programs Branch	CBSA Branch	The Programs Branch will lead the policy direction required for ATD program implementation.
Enforcement & Intelligence (E&I) Programs Directorate	CBSA Branch	E&I Programs will lead the design of the ATD program.
Travellers Program	CBSA Branch	Travellers Program will provide support on the implementation of the IT components.
E&I Operations Directorate	CBSA Branch	E&I Operations will assist in the design and implementation of the ATD program and lead the program following implementation.
Comptrollership Branch	CBSA Branch	Comptrollership Branch will lead the Agency's procurement and asset management functions related to the ATD Program.
Information, Science and Technology Branch (ISTB)	CBSA Branch	The ISTB Branch will contribute to the development and implementation of systems components of the ATD Program.
Human Resources Branch (HRB)	CBSA Branch	Training and Development Directorate of the HRB is responsible for developing and maintaining learning products.
Immigration and Refugee Board (IRB)	Government of Canada Partner	The CBSA will be working with the IRB on issues pertaining to ATD program use.
Immigration, Refugee and Citizenship Canada (IRCC)	Government of Canada Partner	The CBSA will engage the IRCC on issues related to detention release legislation.
Correctional Service Canada (CSC)	Government of Canada Partner	The CBSA is working with CSC to gain best practices and lessons learned on release programs.
Provincial Correctional Authorities	Government of Canada Partner	The CBSA will engage provincial partners on issues related to ATD program design.
Non-Governmental Organizations (NGO) Community	External partners	The CBSA will continue to engage NGOs including the UNHCR, Red Cross and Canadian Council for Refugees on ATD program design.

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## Dependencies



The ATD program is dependant on:

- 1) The availability and capacity of CBSA staff to design and implement the ATD program.
- 2) Third party service providers that are willing and able to ensure effective and efficient program delivery.
- 3) Accurate assumptions made in ATD program design.
- 4) Effective design and launch of IT tools for program delivery following implementation.
- 5) Authority of other government departments in detention and release of CBSA clients.
- 6) Consistent priorities for the Government of Canada.

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## Risk



Risks if an expanded national ATD program is not implemented:

- 1) Inability to manage the risk posed by released detainees: In absence of an ATD program, detainees may be released without appropriate tools to mitigate risks (i.e., compliance/flight risk, criminality).
- 2) Detention costs are maintained or increased: Without ATDs, the CBSA may detain individuals for longer periods of time. This would result in detention costs remaining the same, or increasing as impacted by rising per diem charges imposed by the province.
- 3) Nationally inconsistent program delivery: Detainees in regions with existing ATDs have access to programming, whereas those in other regions do not. This creates a two-tiered system.
- 4) Lack of stakeholder support: NGOs and detention advocates continue to lobby senior management and Parliament for an expanded, national ATD program.

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## Benefits

<b>Service</b>	<p>Consistent release management of individuals relative to their assessed level of risk.</p> <p>(Example: utilise a series of risk-based release options to ensure consistent decision making.)</p>
<b>Savings</b>	<p>Reinvest detention resources within Inland Enforcement.</p> <p>(Example: reduced detention costs resulting from release of ATD participants will result in funds available to reinvest into other Inland Enforcement functions or address funding shortages in detention program.)</p>
<b>Security</b>	<p>Increased effectiveness of enforcement actions of released individuals.</p> <p>(Example: expanded capacity to monitor ATD program participants will allow the CBSA to more efficiently apprehend ATD participants who fail to comply and who abscond.)</p>

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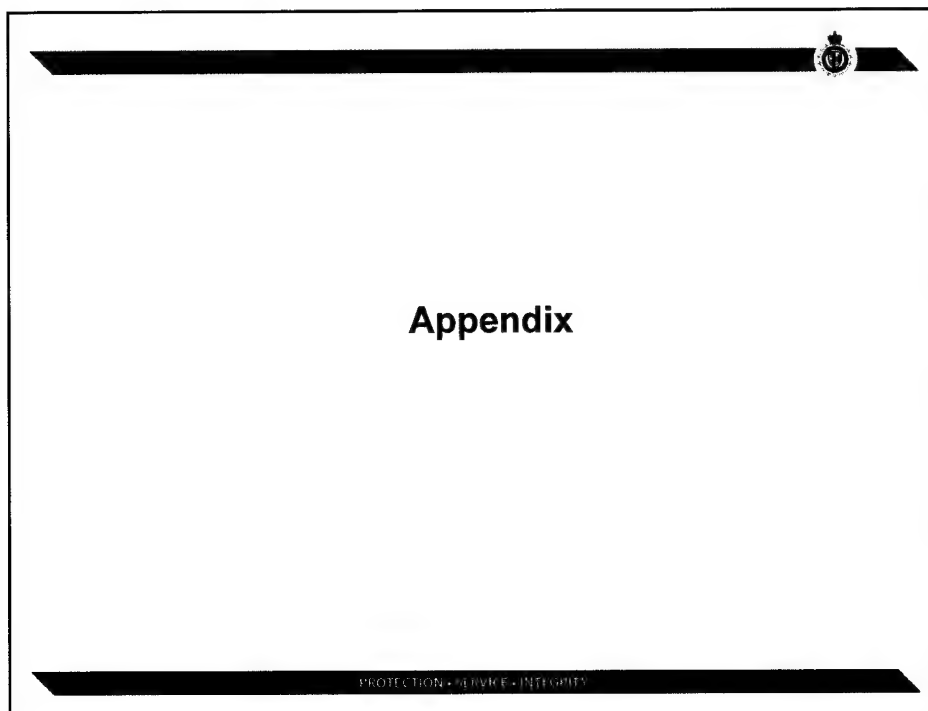
## Next Steps

Present Gate 2 to the Transformation, Innovation and Project Portfolio Committee for approval to proceed to the Concept Phase (development of the Business Case) on March 16, 2016.

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Project Management Gate Approvals

Current Gate	Gate 2	PAC Feb 18, 2016	TIPP March 16, 2016	
Next Gate	Gate 3	PAC April 2016	TIPP May, 2016	EC June 2016

EC: Executive Committee PAC: Portfolio Advisory Committee TIPP: Transformation, Innovation and Project Portfolio Committee

2016-06-02

Service Lifecycle Management Framework			
(for IT-Enabled Projects Only)			
Intake Approved		Portfolio: Common Services ISTB Service*: Enforcement Service On Schedule: Yes In Budget: Yes	
(for PPMF/PMF Gate 2)			
SLMF Work Product	Apollo ID (or link)	Date Approved at SMB	Apollo ID (or link) to SMB RoD
Feasibility Assessment (Dashboard)		February 8, 2016	
Alternate Service Delivery (ASD) RFI (if required)			
Conditional Approvals in effect: • None			
Approved SLMF Variances: • None			
Risks and Issues: • None			
PROTECTION • SERVICE • INTEGRITY			
* From v2.0 of the ISTB Support Service Directory			



# **Alternative to Detention (ATD) Electronic Monitoring (EM) System Intake Approved (IA) Presentation Deck**

## **Feasibility Assessment**

February 4, 2016  
SMB Governance Meeting  
Service Life Cycle Management Framework (SLMF)  
Information, Science and Technology Branch (ISTB)  
Baseline 2  
Service Management Method (SMM)



**Canada**

## **Feasibility Assessment - Summary**

Validated Requirement (Business Need):

Global Positioning System (GPS) or Radio Frequency (RF) Electronic Monitoring (EM) is an effective risk mitigation tool used by law enforcement agencies within Canada and internationally. The Canada Border Services Agency (CBSA) seeks a service provider with whom to partner in the acquisition, installation and program delivery of an EM program that, along with other Electronic Supervision Tools supports the Community Supervision component of the proposed Alternative to Detention (ATD) program.

Service Portfolio: Common Services Portfolio  
ISTB Service: Enforcement Support Service  
Service Portfolio DG: Gino Lechasseur  
Service Manager: Russell Newbury  
Business Owner A/DG: Leslie Soper



## Feasibility Assessment - Summary

Mandated or Discretionary: Discretionary

Expected Result(s): CBSA to acquire a service provider with the ability to implement an EM program to monitor high-risk ATD program participants.

3



## Feasibility Assessment - Summary

Demand: National enrollment of approximately 80-100 participants

### Business Benefits:


- Increased effectiveness of enforcement actions of released individuals.
- Consistent release management of individuals relative to their assessed level of risk.
- Reinvest detention resources within Inland Enforcement

ISTB Benefits: Unknown

Pre-Proposal Cost Estimate: < \$1M Funding to be sought through the Capital Plan Process/Budget 2016.

Benefit versus Cost Conclusion: This represents net new functionality for the service with no real ISTB benefit, but strong business benefit.

4




## Feasibility Assessment - Summary

**Feasibility Summary:** It is possible to acquire a COTS Electronic Monitoring Solution

**Complexity and Risk Summary:** Low complexity and low risk.

**Timeframe Recommendation:** Implementation in 2018-19

5



## Feasibility Assessment Dashboard – Electronic Monitoring(EM) System

MANDATED ☐ DISCRETIONARY ☒

If Mandated, identify Mandate and any Date associated with Mandate:  
 New Legislation "XYZ" requires that CBSA is capable of tracking/verifying Medical Waste Permits

**CLIENT ASSESSMENT**

Client Priority (1-10) 9

**CLIENT ALIGNMENT TO AGENCY BUSINESS GOALS**

Neutral  
Negative

**CAPITAL PLAN Commitment**

No

**ISTB FEASIBILITY ASSESSMENT**

Positive	Neutral	Positive	Positive	Neutral	Moderate
Neutral	Neutral	Neutral	Neutral	Neutral	Low
Negative	Negative	Negative	Negative	Negative	
Service Roadmap	EA Vision	ISTB Release Alignment	IT Policy Suite	ASD Feasibility	Release Capacity

**ISTB Complexity & Risk**

Moderate	Moderate
High	High
Complexity	Risk

**ISTB BENEFIT ASSESSMENT**

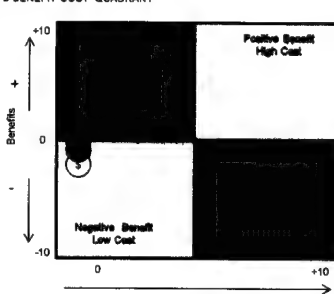
Service	0
Security	0
Savings	-3
Average	-1

**ISTB COST ASSESSMENT**  
 (Cost to GA, Normalized on scale of 1010)

Release Cost	1
--------------	---

0-10 = \$0 to >\$500M

**ISTB BENEFIT-COST QUADRANT**



Benefit Category

- \$ Cost Savings
- Security
- Service
- ISTB Benefit Average

6



## **Feasibility Assessment - Conclusion**

### **Service Portfolio and Service Manager Recommendation:**

The Release Proposal should pursue options to acquire a COTS solution. Further, the bundling of VRF 15101 + 15102 + 15103 requirements into a single COTS solution should be explored – during an RFI.

Knowing that the Release Proposal will pursue acquisition as one option, the recommendation is to move forward with the BRD and B-RTM and Release Proposal since the acquisition cycle is lengthy.



# The CBSA's Alternative to Detention Program

## Privacy Impact Questionnaire (PIQ)

EIPD – Transformation Unit  
Enforcement and Intelligence, Programs  
March/ 2016 / Ver. 0.1

## PRIVACY IMPACT QUESTIONNAIRE (PIQ)

***Please note that this Privacy Impact Questionnaire (PIQ) is not a Privacy Impact Assessment (PIA). It is a tool developed by the Access to Information and Privacy (ATIP) Division to determine whether or not a PIA or some other measure is required for your program or activity.***

### BACKGROUND:

According to the Treasury Board of Canada Secretariat (TBS) Directive on Privacy Impact Assessment, PIAs are required for any new or substantially modified program or activity involving personal information. When completed, the PIQ will assist the ATIP Division to determine if a new program utilizes personal information, if a modification to an existing program using personal information is considered to be "substantial", and whether the program or activity requires a new or modified PIA.

### INSTRUCTIONS:

1. Complete Part 1 to 3 as indicated.
2. Consult with ATIP Senior Policy Analysts in the ATIP Policy & Governance Section, as required.
3. Obtain Director endorsement in Part 4
4. Send the completed PIQ to:  

Director  
Access to Information and Privacy Division  
Corporate Affairs Branch  
eMail to: CBSA-ASFC\_ATIP-AIPRP@cbsa-asfc.gc.ca
5. Review ATIP's comments and complete Part 6
6. Return completed PIQ to ATIP Director

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## Part 1 – General Information

Initiative / Project Name:	The CBSA's Alternative to Detention Program	
Program, and Sub-Activity:	1.5: Immigration Enforcement; 1.5.2: Detentions	
Contact Info (working level):	Name: Julia Feesey	Division: EIPD – Transformation Unit
	Title: Senior Program Advisor	Phone: 613-954-7100
	Address: 100 Metcalfe St., 9 <sup>th</sup> Floor, Office 9049	
Director Name:	Martin Sheehan	
Implementation Date:	2018-01-01	

## Part 2 – Preliminary Program Details

1. Does the program or activity require the collection, creation, use or disclosure of any personal information?

☒ Yes

☐ No

Personal information includes, but is not limited to:	
• Name (Surname, Given Name, Maiden Name, Alias, Nickname, etc.)	• Unique Identifying Numbers (FOSS ID, Travel Document Number, Business Number, etc.)
• Date of Birth/Date of Death	• Criminal History
• Biometric Information (Fingerprint, Iris Scan, Photograph, Audio-Video Recording, etc.)	• Employment Information
• Contact Information (e.g. Work and/or Home Information, Mailing Address, E-Mail Addresses, Telephone, Fax, Cell Phone Numbers, etc.)	• Biographical Information (e.g. Work History, Curriculum Vitae, Family Information, Passenger Information, etc.)
• Signature	• Gender
• Physical Attributes (Height, Weight, Scars, Skin Colour, Hair Colour, Piercings, Tattoos, Skin Marks, etc.)	• Medical Information (e.g. Psychological Assessments, Blood Type, etc.)
• Photos	• Nationality/Country of origin/Citizenship
• Opinions or views of, or about, an individual	• Commercial or Financial Information*

\*Some commercial or financial information about small business entities (such as sole-proprietorships) may constitute personal information if it pertains directly to or may allow someone to infer information about an identifiable individual.

2. Is/Will personal information collected or generated by the program be used in decision-making processes that directly affect individuals (i.e. for an administrative purpose)?

☒ Yes

☐ No

<b>Examples of Administrative Purposes:</b>	
<ul style="list-style-type: none"> <li>○ determining eligibility for programs including authentication for accessing programs/services;</li> <li>○ administering program payments, overpayments, or support to clients;</li> <li>○ Issuing or denial of permits/licenses, processing appeals;</li> <li>○ detecting fraud or investigating possible abuses within programs where the consequences are administrative in nature;                             <ul style="list-style-type: none"> <li>▪ a fine;</li> <li>▪ discontinuation of benefits;</li> <li>▪ audit of personal income tax file; or</li> <li>▪ deportation in cases where national security and/or criminal enforcement is not an issue.</li> </ul> </li> <li>○ Investigations and enforcement in a criminal context (i.e. decisions may lead to criminal charges/sanctions or deportation for reasons of national security or criminal enforcement).</li> </ul>	

3. Is/Will personal information collected or generated by the program be used for a purpose other than a decision making process that directly affects the individual (i.e. for a non-administrative purpose)?

☒ Yes

☐ No

<b>Examples of Non-Administrative Purposes:</b>	
<ul style="list-style-type: none"> <li>○ Program evaluation reports</li> <li>○ Statistical Reports</li> <li>○ Research</li> <li>○ Mailing lists</li> <li>○ Tracking visitors to a particular Web site, and this information is used to enhance the Web site and not used to build any type of profile</li> </ul>	

## Part 3 – Program Description

The most critical aspect of the PIQ is a thorough description of what your program is responsible for, what is changing, and how this may affect the personal information listed in Part 2. The following questions provide guidance on what to include in your program description. Please use plain language which provide a high-level summary of the program or activity and limit your description to no more than five (5) pages total.

### Program Description:

#### 1. Describe the specific issue that your program will fix

The CBSA is required under the Immigration and Refugee Protection Act (IRPA) to consider all reasonable alternatives to detention. At present, few alternatives to detention are available nationally to CBSA officers and Immigration and Refugee Board (IRB) Members. Release on conditions and/or release to a bondsperson on a cash and/or performance bond are the only nationally available alternatives. This does not speak to the complex nature of the risk profiles of the CBSA's current detention population. The Alternative to Detention (ATD) Program will work to address this gap in the management of its detainees, and will introduce national consistency in release options.

#### 2. Describe the project objectives, rationale, clients, and approach

The scope of the ATD program is to introduce compliance and release management tools that allow for the management of individuals in the community where:

- it would assist individuals in maintaining compliance until their removal ; or
- removal is unlikely due to impediments beyond the control of the detainee.

#### ATD Community Supervision Program: Tiered Approach

The ATD Program would focus on Community Supervision (CS) options, utilizing case management principles, and be supported when necessary by Electronic Supervision (ES) tools to help further mitigate any risks posed by release.

The National ATD Program would be made up of the following three tiers:

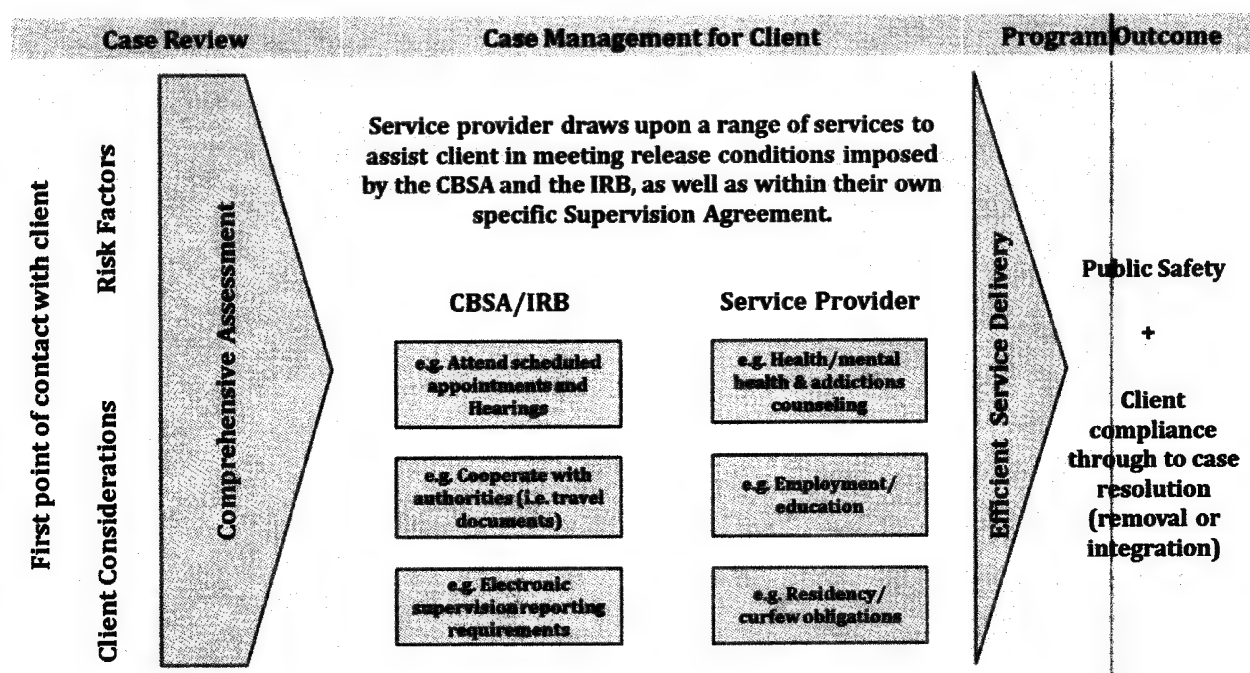
Programs	
<b>Tier I: Compliance Management</b>	<u>Community Compliance:</u> an individual agrees to abide by a set of conditions supporting ongoing compliance in the community.
<b>Tier II: Release Management</b>	<u>Controlled Community Release:</u> an individual is released on bond to a Surety or to a Third-Party Service Provider (i.e. Toronto Bail Program).

Biometric Compliance: voiceprint technology used for telephone reporting at regular intervals to comply with reporting conditions  
 Biometric Supported Reporting: Biometric reporting (e.g. voiceprint, fingerprint).  
 Electronic Monitoring: constant monitoring to ensure real-time compliance and immediate enforcement action if a breach of conditions occurs

### Governance and Role of Service Providers

The CBSA's ATD Program would be managed from National Headquarters (NHQ), with the Enforcement & Intelligence Programs Directorate having responsibility for the overall program management, and oversight of program components and needs on a national scale. The Enforcement & Intelligence Operations Directorate would have operational responsibility for ensuring the program is delivered as intended and provide direct operational support to the regions,

In terms of the provision of case management and CS services, the following is a high level process flow for release into a Supervised and/or Controlled Community Release Program:



### Case Review

The CBSA would maintain responsibility of the "Case Review" stage. In this stage, a designated CBSA Release Liaison Officer (RLO) would undertake a comprehensive risk/needs assessment on each eligible individual [based on the outcome of the NRAD tool, completed by the Detention Liaison Officer (DLO)]. The RLO would be responsible for liaising with the third-party case manager and with hearings officers.

### Case Management

Following the development of an individual's case management strategy and release plan, the CBSA would liaise with a third-party service provider to coordinate and/or carry out a range of case management and community supervision services on the Agency's behalf. The CBSA would also liaise with the service provider to ensure effective enrolment in an ES tool. This would include the facilitation, coordination and monitoring of the various components of an individual's release plan.

The preferred governance model for the CS component of the ATD program would be one single national case management service provider responsible for managing and coordinating the release of immigration detainees into CS programs across all regions. As an extension of the case manager role, or through

additional regional third-party service providers, the CBSA would also require that the case manager secure a set of specific core services to allow for the proper management of eligible individuals in the community. Specifically, the case manager would be expected to carry out the following functions on behalf and/or in partnership with the CBSA:

- Individual case management and planning
- Intervention
- Referral to, or provision of services
- Ongoing file review
- Case closure

**3. Describe your program area and the manner in which you currently collect, use, and/or disclose personal information. Cite form, systems, and other processes that are used to collect and store personal information**

*The National Risk Assessment for Detention (NRAD)*

The CBSA currently uses the National Risk Assessment for Detention (NRAD) tool to conduct an initial risk assessment (and any proceeding risk reassessments) on clients. Using the NRAD, which is a paper form, the officer identifies whether an individual is categorized as high, medium or low risk based on an associated set of risk factors. Based on the risk level and all elements considered, the officer must determine:

- whether an alternative to detention is feasible (e.g. release with conditions such as reporting requirements, cash bond, telephone reporting or Toronto Bail Program); or
- the appropriate detention facility (Immigration Holding Centre, provincial facility or other non-CBSA facility).

*The Toronto Bail Program*

The CBSA has designed a community release program in the Toronto Region. Enrolment in the Toronto Bail Program (TBP) is determined by the program director and access to CBSA systems is not granted to TBP management or staff. Enrolment in the TBP requires an exchange of information on the following:

- client details,
- risk factors including criminality, health and mental health needs, and
- compliance behavior.

*Voice Reporting (VR)*

The Voice Reporting system exists only in the Toronto Region and depends on the use and storage of a voice print against which monthly voice reporting calls are assessed for match. The VR system is located on a stand-alone server and does not link with any CBSA systems. Systems changes and hardware/software maintenance is undertaken by CBSA staff exclusively and enrolment in VR requires the following exchange of information:



- client details,
- voice print,
- previous compliance behavior.

#### *National Case Management System (NCMS)*

NCMS was developed as CBSA's primary tool for tracking immigration enforcement cases related to criminality, detentions, hearings, interventions, appeals, investigations and removals. IRCC also regularly uses this tool for cases related to the Pre-Removal Risk Assessment (PRRA). NCMS is an immigration enforcement case tracking tool with a centralized database that is web enabled and uses various interfaces (FOSS and GCMS) to permit a more complete picture for the end-to-end tracking of immigration enforcement cases.

#### *Global Case Management System (GCMS)*

GCMS is IRCC mainframe system used by the CBSA and IRCC users for the CBSA enforcement, CIC facilitation and CBSA – CIC shared functions associated with the immigration continuum. GCMS was designed to replace and expand upon the functionalities of the Field Operations Support System (FOSS), which was decommissioned in November 2015.

4. Describe what is changing to your program (i.e. whether more information is being collected, if the collection is moving from paper to an information system, if an information system is being replaced, or more information is being disclosed to another program, department, or foreign government.)

The CBSA will be looking to third-party service providers to collect and store personal information – both in paper form, as well as through the expanded use of CBSA systems and/or third party systems.

5. List all the other CBSA programs, federal departments/agencies, or other governments and describe how information is collected from these institutions and/or how personal information is disclosed to them

N/A

6. Include a high level summary of any privacy implications and risks already identified

#### **Community Release:**

Privacy implications related to transmission of client details to third party service provider through stand-alone system. Preferred model denies service provider access to CBSA systems. Privacy implications related to further transmission of client details by third party service provider to sub-contractors.

#### **Residency Release:**

Privacy implications related to transmission of client details to third party service provider through stand-alone system. Preferred model denies service provider access to CBSA systems. Privacy implications related to further transmission of client details by third party service provider to sub-contractors.

**Voice Reporting:**

Privacy implications related to collection, use, storage of voice print. Preferred model includes CBSA acquiring VR products for use on CBSA systems by CBSA staff.

**Enhanced Voice Reporting:**

Building upon VR system, privacy implications related to use of location based service (LBS) that requires third party cell companies provide the CBSA with program participant's cell usage information in order to triangulate location information. Preferred model recommends the CBSA own the LBS for use on CBSA stand-alone systems

**Electronic Monitoring:**

Privacy implications related to GPS electronic monitoring (EM) through the ongoing monitoring of EM participants on a 24/7 system by CBSA staff. Preferred model recommends the CBSA owns/leases the EM tools for use on CBSA stand-alone systems.

**7. If relevant, describe legislative changes that prompted the program creation or change**

N/A

**8. Was a PIA previously done for your program or activity and submitted to the Office of the Privacy Commissioner of Canada?**

No.

**9. Project implementation schedule, if applicable**

Task	Start Date	End Date
ATD Program Design & Implementation	January 2015	December 2017
Opportunity Intake (Gate 2)	March 2015	March 2016
Concept (Gate 3)	March 2016	June 2016
Initiating (Gate 4)	July 2016	September 2016
Planning (Gate 5)	October 2016	December 2016
Executing (Gate 6)	January 2017	December 2017

## Part 4 – Program Endorsement

Program Director	Name: Martin Sheehan	Division: Program Performance, Reporting and Transformation
	Title: Director	Phone: 613-948-8156
	<input type="checkbox"/> I affirm the accuracy and completeness of this information.	Date: <a href="#">Click here to enter text.</a>



## Part 5 – ATIP PIA Recommendations

Based on the information provided in this PIQ, and the requirements to initiate a PIA as described in Annex B, the ATIP Division makes the following recommendations:

Record of ATIP Recommendation - Privacy Impact Assessment	New	Modify
Develop a new or modify an existing PIA (using the CBSA template)	<input type="checkbox"/>	<input type="checkbox"/>
-OR-		
No PIA is required	<input type="checkbox"/>	

### Rationale for the Recommendation/Comments:

The following represents justification for the ATIP Division's recommendation, as well as any further recommendations related to the initiative.

### Endorsement and Approval of ATI and Privacy Division Recommendation

I endorse the above recommendations provided by the ATIP Division.

\_\_\_\_\_  
 Robin Lortie

A/Manager, ATI and Privacy Division

I approve the above recommendations provided by the ATIP Division.

\_\_\_\_\_  
 Dan Proulx

Director, ATI and Privacy Division

## Part 6 – Program Decision and Rationale

### Record of Decision:

Document below the decision with respect to the ATIP recommendation for a PIA, and provide clear justification and mitigation measures for any decision not to develop a PIA when one is recommended.

- ☐ I, as the Program Director, agree with the recommendations of ATIP Division that a PIA is required. I will ensure it is completed in a timely manner.
- ☐ I, as the Program Director, agree with the recommendations of ATIP Division that a PIA is required; however, a PIA will not be developed at this time for reasons I have described in the rationale/comments section below.
- ☐ I, as the Program Director, agree with the recommendations of the ATIP Division that a PIA is not required. If the scope of the project described in this PIQ changes, I will ensure an updated PIQ is provided in a timely manner.
- ☐ I, as the Program Director, disagree with the recommendations of the ATIP Division. Rationale for my decision is provided on the rationale/comments section below.

### Rationale/Comments:

Signature of Program Director

Name: Click here to enter text.

Title: Click here to enter text.

Phone: Click here to enter text.

Division: Click here to enter text.

## Annex A – Definitions

**Activity:** An operation or action that produces a good or service.

**Administrative Purpose:** The *Privacy Act* defines administrative purpose to be the use of an individual's personal information in a decision-making process that directly affects that individual.

**Classes of Personal Information:** Personal information not used for an administrative purpose or not intended to be retrievable by a personal identifier. Classes of personal information are created to ensure that government institutions account for all of the personal information they hold.

**Consistent Use:** A use that has a reasonable and direct connection to the original purpose(s) for which the information was obtained or compiled. This means that the original purpose and the proposed purpose are so closely related that the individual would expect that the information would be used for the consistent purpose, even if the use is not spelled out.

**Class of Record (CoR):** Descriptions of the records created, collected and maintained by a federal institution as evidence of and information about a particular institutional program or activity.

**Data Matching:** A comparison of personal data obtained from a variety of sources, including personal information banks, for the purpose of making decisions about the individuals to whom the data pertains. Data matching is a specialized activity involving the collection, use and disclosure of personal information that is subject to the various requirements of the *Privacy Act*.

**Info Source:** Annual publications in which government institutions are required to describe their institutions, program responsibilities and information holdings, including personal information banks and classes of personal information. The descriptions must contain sufficient clarity and detail to facilitate the exercise of the right of access under the *Privacy Act*.

**Program:** A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results, and that are treated as a budgetary unit.

**Program Activity Architecture (PAA):** A hierarchy of activities that support departmental strategic objectives. Activities in the hierarchy are linked to expected results, or in the case of actual programs are described as outputs. Final program outcomes are linked to departmental strategic objectives. Program activities contribute to the achievement of a Strategic Outcome.

**Personal Information:** Information about an identifiable individual as defined in section 3 of the *Privacy Act*. This definition, although lengthy, is not exhaustive as indicated by the introductory phrase "including, without restricting the generality of the foregoing". Information that is not specifically mentioned in the list may still be included in the definition of personal information if it qualifies as "information about an identifiable individual".

**Personal Information Bank (PIB):** A description of personal information organized and retrievable by a person's name or by an identifying number, symbol or other particular assigned only to that person. The personal information described in the PIB has been used, is being used, or is available for an administrative purpose and is under the control of a government institution. PIBs are maintained in a department's *Info Source* chapter.

**Privacy Protocol:** A set of documented procedures to be followed when using personal information for non-administrative purposes including research, statistical, audit and evaluation purposes. These procedures are to ensure that the individual's personal information is handled in a manner that is consistent with the principles of the *Privacy Act*.

## Annex B – PIA Considerations

The appropriate senior officials or executives are responsible for initiating a PIA for a program or activity in the following circumstances:

- **when personal information is used for or is intended to be used as part of a decision-making process that directly affects the individual;**
    - Are you designing a new program and/or activity?
    - Will it be necessary to develop mechanisms to notify individuals about their privacy rights or to obtain the consent of individuals to collect, use and/or disclose their personal information (the program enrolment form, on a website, or on signage prominently displaced at the point of collection)?
    - Is personal information to be collected from other programs within the CBSA, other institutions, other governments or the private sector, and have those programs made substantial changes since this CBSA program was first developed?
    - Is personal information to be shared with any other organizations for any purposes other than for which it was originally collected, and have those organizations made substantial changes since this CBSA program was first developed?
    - Has the public expressed, or do you anticipate that the public will express any privacy concerns regarding the program or activity?
    - Have there been any privacy breaches or complaints concerning the program which have identified significant concerns that may need to be addressed through a PIA?
  - **upon substantial modifications to existing programs or activities where personal information is used or intended to be used for an administrative purpose;**
    - Some examples of significant changes could include changing the system architecture of a project, changing the way a service is delivered or collecting more personal information than was previously collected
    - Are you changing the frequency or method by which you collect or disclose personal information (from request-based to routine or systematic disclosure or the granting or receiving of direct access to a repository of information)
    - Are you converting from a conventional to an electronic service delivery mode?
    - Will the program or activity require that you collect, use or disclose more personal information or more sensitive personal information than in the past?
    - Are you shifting from informed consent to indirect collection of personal information?
    - Will personal information be collected from other programs within the CBSA, other institutions, other governments or the private sector?
    - Will personal information be shared with any other organizations for any purposes other than for which it was originally collected?
    - Are you introducing changes to the business systems or infrastructure architecture that affect the physical or logical separation of personal information or the security mechanisms used to manage and control access to personal information?
      - is the Agency contracting a private firm to store the data or the data passes through a privately owned or maintained server?
    - Do you anticipate that the public will have any privacy concerns regarding the proposed program or activity?
  - **when contracting out or transferring a program or activities to another level of government or the private sector results in substantial modifications to the program or activities.**
- 6.3.2 Determining, in consultation with the official responsible for section 10 of the Privacy Act, whether:
- a new or substantially modified program or activity in which no decisions are made about individuals will have an impact on privacy and warrant the conduct of a PIA; or
  - the government institution's privacy protocol is adequate to address the potential impact on privacy of such a program or activity.
- 6.3.3 Documenting decisions adequately with respect to requirement 6.3.2.

## Streng, Melanie

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**From:** Campbell, Leah  
**Sent:** June 1, 2016 03:15 PM  
**To:** Feeseey, Julia  
**Cc:** Streng, Melanie; Rowe, Andrew; Debruyn, Marin  
**Subject:** RE: meeting with CSC on EM contracting

Great news thanks Julia. I will be flipping to Stephen as fyi and we should discuss next steps in advance of the meeting with CSC you are setting up.

---

**From:** Feeseey, Julia  
**Sent:** May 29, 2016 12:21 PM  
**To:** Campbell, Leah  
**Cc:** Streng, Melanie; Rowe, Andrew; Debruyn, Marin  
**Subject:** meeting with CSC on EM contracting

Hi Leah

Sorry for the delay but here's the summary of the meeting with CSC EM team

\*\*\*

CBSA Transformation Unit (J. Feeseey, M. Streng) and Ops Branch (J. Gaudreau) met with CSC EM Team (P. Charkavi, C. Long) via telecom on Wednesday, May 18<sup>th</sup> to discuss the issues of piggy backing CBSA EM use on the existing CSC contract

The meeting focused on the following points:

- 1) Interim use of EM tools
  - a. CSC confirmed that with their current contract they would be in a position to provide up to 20 EM (at one time) systems to the CBSA prior to implementation of a full ATD program (2018)
    - i. Status of CSC project:
      1. CSC currently has a contract for approx. 1000 EM systems which is currently being under-utilized
      2. While the project has moved from pilot to official program CSC is considering the future of the program. A Briefing Note is currently working through CSC to gain senior management support for a permanent program considering current programme eligibility, use and impacts. By all indication the program will be regularized.
    - ii. CBSA/CSC MOU:
      1. CSC has started drafting a CBSA/CSC EM MOU based on EM industry partnership agreements
      2. CSC is supportive of a director-level meeting to discuss the EM program in general and an MOU/timelines etc in particular
    - iii. Timelines:
      1. CSC would be in a position to start providing tools to the CBSA in September, 2016. This is ambitious considering outstanding issues but they have unused tools and are aware that the CBSA has current EM release cases that could benefit from the use of a regularized EM program.
    - iv. Business Process:

1. CSC confirmed that assuming approval by both organizations, it would support the CBSA's EM program through the use of its tools, and monitoring centre.
2. CSC will provide the tools to a CBSA inland enforcement office within 48 hours of IRB decision to release in line with the CSC contract service standard
3. CSC will monitor the use of the EM participants for the CBSA at their monitoring centre and provide regular updates to the CBSA
4. CSC will update CBSA on any breaches/fail to comply/absconding using the CBSA duty manager contact
5. Outstanding issues: installation of ankle monitor and home modem for EM participants and risk assessment documentation (beyond NRAD)

v. Costs:

1. While final costs will be identified by CSC, they are currently focused on cost recovering the cost of the EM tools only and don't intend to cost recover for the use of monitoring centre staff or training.

2) Long term EM program:

- a. CSC's EM contract expires in 2019 and they intend to begin the contracting process in mid-2017
- b. They're open to the idea of allowing the CBSA to piggy back on that contract but for now they'd like to focus on the interim use

Next Steps:

- A. A manager-level meeting between CBSA (Transformation Unit, Ops branch) and CSC is recommended, followed by a director-level discussion
- B. Transformation Unit will author a Briefing Note for on the above points for review/approval by Directors General EIOD and EIPD

Hope this helps, if anything needs more clarity or there are any outstanding issues, pl advise and I'll provide more information.

Thanks, Julia

Julia Feesey

Senior Program Advisor / Programs Branch  
Canada Border Services Agency / Government of Canada  
[Julia.Feesey@cbsa-asfc.gc.ca](mailto:Julia.Feesey@cbsa-asfc.gc.ca) / Tel: 613-954-7100 Cell:

Conseiller principal de programme / Direction générale des programmes  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Julia.Feesey@cbsa-asfc.gc.ca](mailto:Julia.Feesey@cbsa-asfc.gc.ca) / Tel: 613-954-7100 cellulaire:

## Streng, Melanie

---

**From:** Soper, Lesley L  
**Sent:** April 20, 2016 04:04 PM  
**To:** Campbell, Leah; Bolton, Stephen  
**Cc:** Feese, Julia; Streng, Melanie  
**Subject:** RE: RFI for ankle bracelets

**From:** Campbell, Leah  
**Sent:** April 20, 2016 4:02 PM  
**To:** Bolton, Stephen; Soper, Lesley L  
**Cc:** Feese, Julia; Streng, Melanie  
**Subject:** RE: RFI for ankle bracelets

Thoughts?

**From:** Bolton, Stephen  
**Sent:** April 20, 2016 3:10 PM  
**To:** Soper, Lesley L; Campbell, Leah  
**Subject:** RE: RFI for ankle bracelets

Stephen Bolton  
Director/Directeur  
Inland Enforcement Program Management Division/Division de la gestion du programme d'exécution de la loi dans les bureaux intérieurs  
Enforcement & Intelligence Programs Directorate / Direction des programmes d'exécution de la loi et du renseignement  
Programs Branch / Direction générale des programmes  
Canada Border Services Agency / Agence des services frontaliers du Canada  
100 Metcalfe Street 11th floor / 11ème étage  
Tel/Tél: (613) 954-7251  
Email: [stephen.bolton@cbsa-asfc.gc.ca](mailto:stephen.bolton@cbsa-asfc.gc.ca)

---

**From:** Soper, Lesley L  
**Sent:** April 20, 2016 3:01 PM  
**To:** Campbell, Leah; Bolton, Stephen  
**Subject:** RFI for ankle bracelets

Lesley Soper

A/Director-General | Directrice-générale p.i.

Enforcement and Intelligence Programs | Direction des programmes d'exécution de la loi et du renseignement

Programs Branch | Direction général des programmes

Canada Border Services Agency | Agence des services frontaliers du Canada

1027 - 100 Metcalfe


Ottawa Ontario


[lesley.l.soper@cbsa-asfc.gc.ca](mailto:lesley.l.soper@cbsa-asfc.gc.ca)

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Government of Canada | Gouvernement du Canada




**Canada Border  
Services Agency** **Agence des services  
frontaliers du Canada**



# **Proposed Strategy and Measures to Strengthen the Detention Program: Alternatives to Detention**


PROTECTION  
SERVICE  
INTEGRITY




SERVICE  
PROTECTION  
INTÉGRITÉ

**Presentation to  
PROGRAM POLICY COMMITTEE**

**February 16, 2016**





## **Purpose**

- Seek approval from PPC committee members to pursue:
  - policy review on detention
  - And enhance Alternative to Detention (ATD) options available in the field

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CSA - Released under the Access to Information Act  
ASFC - Divulgué en vertu de la loi sur l'accès à l'information

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## Context

Increasing stakeholder and public interest and concerns surrounding detention issues has led to a program review.

The National Detention Strategy aims to transform program delivery by:

- renewing the detention service model
- achieving national consistency
- ensure program sustainability
- enhancing infrastructure

Key actions under the Strategy include:

- Expanding the ATD program
- Undertaking a full policy review of the detention program


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## Drivers for Change

- Detention program has garnered significant stakeholder concern:
  - UNHCR sets out an action plan in 2015 for Canada to:
    - End the detention of children;
    - Ensure alternatives to detention are available in law and in practice
    - Ensure detention conditions meet international standards (no comingling)
  - University of Toronto Report (2015) seeks a nation-wide immigration community release program
  - B.C. Coroner's Inquest (2014) recommended the reduction of use of provincial jails and the increased use of ATDs to reduce risk of death in detention
  - Canadian Council for Refugees (2015) has lobbied the Prime Minister to deliver an accountable immigration enforcement system
  - Office of the Auditor General observed in 2008 that detention decisions are inconsistent and that CBSA is not managing detention costs effectively and recommended that CBSA expands ATD programs

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2016-06-02



## The Need for Alternatives

- Cost and management drivers compel CBSA to look closely at alternatives
- IRPA policy authority is clear: Alternatives to Detention (ATD) must always be considered
- Limited ATD program currently centres on release on a bond to a surety (bonds person)
- GTAR has a supervised community release program
  - Recognized by the UNHCR as a global best practice
  - Not available in any other region
- Community compliance support tools also only available in GTAR (Voice Reporting Program)
- Eligible detainees should be considered for release if their risk can be managed

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## Current ATD Program Limitations

The current ATD program does not address the following issues/pressures:

Increased costs associated with detention	Lack of national consistency
Ongoing reliance on provincial criminal justice detention facilities and programs	Trend toward longer detention terms
Partner organizations seeking a comprehensive, national ATD program	Judicial decisions (Habeas Corpus)

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## Proposed Detention Policy Review

**Objective:** To ensure the policy objectives under IRPA are being met

**Key areas of need/focus:**

- Detainee Medical Services Framework
- Detention Risk Factors
- Time Limits to Detention
- Mandatory Conditions of Release
- Detention of Minors
- Optimization of IHC facilities

**Phase I: Plan**

• Develop policy proposal and plan  
• Seek regional input for vision  
• Framework  
• Program 2016  
• Operational Approval  
• Program  
• By July 1, 2016

**Phase II: Consult**

• Seek regional input for consultation  
• Engage regional stakeholders and external stakeholders  
• Consultation  
• By March 31, 2017

**Phase III: Decide**

• Seek executive and ministerial approval  
• Cabinet  
• Legislative Regulatory Substructure  
• By 2017-2018

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## Proposed Expanded ATD Program Plan

**Objective:** Targeted, risk-mitigated release and monitoring until removal or community integration where removal is not viable

**Key aspects to consider:**

- Gaps in current detention release programs
- Effective and efficient release management to mitigate risk
- Operational pressures impacting successes
- Downstream impact of release on Investigation & Removals

**Phase I: Proposal Phase**

• Design program elements  
• Seek regional input  
• Seek EC Approval  
• By April 1, 2016

**Phase II: Design Phase**

• ATD Business Case & Program Framework  
• Seek regional and stakeholder approval  
• Seek PAC/TIPP Approval  
• By December 31, 2016

**Phase III: Implement Phase**

• NRC/Regional Implementation Plan  
• Systems (IT) Changes  
• Seek PAC/TIPP Approval  
• Implement  
• December 31, 2017

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## Elements of a National ATD Program

A national ATD Program based on enhanced risk management:

- Enrolment in a **Community Supervision** program
  - Mirroring Toronto Bail Program
  - Expanding to 'half-way house' model for higher-risk detainees
- Monitoring with **Electronic Supervision** tools
  - Mirroring Voice Reporting Program
  - Expanding to Enhanced Voice Reporting and possibly GPS monitoring for higher- risk detainees

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## Benefits

- 1) Fair and equal access to release
  - Nationally available ATD program in all regions, for all eligible detainees
- 2) Decrease detention costs
  - Reduced number of detainees in IHCs resulting in lower detention costs
- 3) Decrease over-reliance on provincial facilities
  - Select provincially detained individuals may be eligible for ATD release
- 4) Increase release of resource-intensive long-term detention cases
  - Select long-term detainees may be eligible for ATD release
- 5) Improve relationships with stakeholder organizations
  - Address NGO concerns through rigorous program implementation

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## Expected Costs/Savings

	FY 2018-2019 (forgoing)
Total Community Supervision Expenditures	\$8,630,390
Total Electronic Supervision Expenditures	\$2,951,477
Annual Corporate Costs	\$724,231
Total ATD Annual Cost	\$12,306,099
<b>Potential Annual Detention Cost Avoidance</b>	<b>\$28,087,200</b>

This initial estimate is based on average detention costs vis-à-vis projected inventory and ATD industry standards.

The ATD business case (Gate 3) will allow for a comprehensive analysis of this estimate and the potential cost avoidance through ATD implementation.<sup>11</sup>

## Next Steps

Pending PPC approval, Programs Branch will undertake the following:

- 1) Presentation of ATD program design at PAC (February 2016)
- 2) Presentation of ATD program design at TIPP (March 2016)
- 3) Commence drafting ATD Business Case (March 2016)
- 4) Presentation at appropriate governance committee pursuant to pending review (e.g. TESC)

## Boulay, Kathy

**From:** CBSA-ASFC\_BOC-WRC\_Supervisors-Superviseurs\_COF-CCM  
**Sent:** May 24, 2016 07:47 AM  
**To:** CBSA Today DRAFT / ASFC Auj ÉBAUCHE  
**Cc:** CBSA-ASFC\_BOC-WRC\_Supervisors-Superviseurs\_COF-CCM  
**Subject:** Advance Copy ~ CBSA Today ~ May 24, 2016

**Hot Issues:** N/A

**Ongoing Issues:** N/A

**Roundtable:**

Media is reporting that the CBSA is examining the use of electronic tracking devices as an alternative to keeping immigration clients in custody. Articles point to a government tender posted online which asks for industry feedback on alternatives to detention, and state that the Agency “appears to be looking for ways to reform its practices” in light of calls for more oversight of the Agency and detention program. Media interest in the story is tied to recent reporting on deaths in custody. [Postmedia Network](#)

**CBSA Today | ASFC Aujourd’hui**

**May 24, 2016 | Le 24 mai 2016**

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INLAND ENFORCEMENT OPERATIONS | OPÉRATIONS DE L’EXÉCUTION DE LA LOI DANS LES BUREAUX INTÉRIEURS

CASE UPDATES | MISE À JOUR DES CAS

PORT-OF-ENTRY | AU POINT D’ENTRÉE

BORDER WAIT TIMES 60 MINUTES OR GREATER | TEMPS D’ATTENTE À LA FRONTIÈRE DE 60 MINUTES OU PLUS

BORDER ALERT | ALERTE FRONTALIÈRE

INTERNATIONAL REGION | RÉGION INTERNATIONALE

COMMERCIAL & TRADE OPERATIONS | OPÉRATIONS COMMERCIALES ET LIÉES AUX ÉCHANGES COMMERCIAUX

INFRASTRUCTURE AND FACILITIES | INFRASTRUCTURE ET INSTALLATIONS

INFORMATION TECHNOLOGY | TECHNOLOGIE DE L’INFORMATION

## Boulay, Kathy

**From:** CBSA-ASFC\_Border Operations Centre-Centre des Opérations Frontalières  
**Sent:** May 24, 2016 08:30 AM  
**To:** CBSA/ASFC Today\_Aujourd'hui  
**Cc:** CBSA-ASFC\_Border Operations Centre-Centre des Opérations Frontalières  
**Subject:** CBSA Today May 24, 2016 | ASFC Aujourd'hui le 24 mai 2016

### CBSA Today | ASFC Aujourd'hui

May 24, 2016 | Le 24 mai 2016

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INFORMATION TECHNOLOGY | TECHNOLOGIE DE L'INFORMATION

COMMUNICATIONS SNAPSHOT | APERÇU DES ACTIVITÉS DE COMMUNICATION

DUTY EXECUTIVES | CADRES SUPÉRIEURS

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#### SIGNIFICANT SEIZURES | SAISIES IMPORTANTES

##### **Ambassador Bridge; Southern Ontario Region;**

On May 22, 2016, at approximately 1400 ET, a vehicle was referred for secondary examination.

The driver and [redacted] are residents of [redacted] Ontario. They declared themselves as being absent for the day visiting family in Michigan with purchases of groceries. During the secondary examination seven bricks of suspected cocaine were discovered in the engine compartment of the vehicle. The driver was subsequently arrested. [redacted] The RCMP attended and took custody of the seized drugs and subject. 8kg of cocaine valued at \$1,000,000 CAD were seized.





## Fraser; Pacific Region; IT Outage

On May 22, 2016, from 1708 to 1820 PT, the port of Fraser was unable to access IT systems due to a network outage. The satellite modem was reset, restoring access. (IT Ticket# 12355676; D1006901)

[Back/Retour](#)

### COMMUNICATIONS SNAPSHOT | APERÇU DES ACTIVITÉS DE COMMUNICATION

## Hot and Emerging – In the media today

### CBSA exploring electronic supervision to track detainees

#### Postmedia Network

The CBSA is looking into tracking detainees electronically rather than keeping them in custody. A government tender posted online this month is asking for industry feedback on how to manage alternatives to detention, "including a community supervision program supported with electronic supervision tools," for people detained under IRPA. In the criminal justice system, electronic supervision usually means using an ankle bracelet or something similar to track people via GPS or cellular data. It's already in use in several Canadian jurisdictions, including Nova Scotia and Ontario. There are usually about 600 "clients" in custody, according to the tender. In March, the agency said two people had died in custody in the space of a week, but gave no details. There have been at least a dozen similar deaths since 2000.

### Canada Implements Pre-Flight Electronic Travel Authorization, Counterpart to United States ESTA Program

#### JD Supra

Effective September 29, 2016, traveling to Canada as a visa-exempt visitor will require a pre-flight clearance through the newly implemented electronic Travel Authorization ("eTA") program, available online at <http://www.cic.gc.ca/english/visit/eta.asp>. ESTA is an automated system that determines the eligibility of visitors to travel to the United States under the Visa Waiver Program ("VWP"). ESTA provides U.S. Customs and Border Protection ("CBP") with a means of electronically collecting and storing biographic information and answers to VWP eligibility questions.

## Announcements/Events

Nil.

[Back/Retour](#)

### DUTY EXECUTIVES | CADRES SUPÉRIEURS

DUTY PERIOD / SERVICE:	
<b>May 24-31</b>	
<b>CBSA BRANCHES</b>	
<b>OPS</b>	Tracy Annett
<b>PROG</b>	Maria Romeo
<b>CAB</b>	Caroline Weber
<b>COMP</b>	Martin Levesque
<b>ISTB</b>	Dave Beach
<b>HR</b>	Ann Demers
<b>CBSA REGIONS</b>	
<b>ATL</b>	Shawn Cox
<b>QUE</b>	Benoit Chiquette
<b>NOR</b>	Lance Markell
<b>SOR</b>	Dave Berardi
<b>GTA</b>	David Glos
<b>PRA</b>	Nina Patel
<b>PAC</b>	Joseph Chayeski

## Boulay, Kathy

**From:** CBSA-ASFC\_Issues\_Management-Gestion\_des\_questions  
**Sent:** May 24, 2016 08:30 AM  
**To:** CBSA-ASFC-Dist\_Issues\_Management-Gestion\_des\_questions  
**Cc:** Connelly, Michel  
**Subject:** Daily Issues Brief - May 24, 2016

### May 24, 2016 @ 8:15 a.m. Issues Management Teleconference Brief

**Hot Issues:** N/A

**Ongoing Issues:** N/A

#### Roundtable:

- Media is reporting that the CBSA is examining the use of electronic tracking devices as an alternative to keeping immigration clients in custody. Articles point to a government tender posted online which asks for industry feedback on alternatives to detention, and state that the Agency "appears to be looking for ways to reform its practices" in light of calls for more oversight of the Agency and detention program. Media interest in the story is tied to recent reporting on deaths in custody.

[http://www.infomedia.gc.ca/ps-sp/articles/unrestricted/2016/05/ps-201652457923446\\_1.htm](http://www.infomedia.gc.ca/ps-sp/articles/unrestricted/2016/05/ps-201652457923446_1.htm)

#### Call Attendees:

CBSA Duty Executives		Standing Call Members	
<b>Operations</b>	Tracy Annett	<b>IM Secretariat</b>	Brendan Derry
<b>Programs</b>	Maria Romeo	<b>BOC</b>	Sabrina Petrow
<b>Comptrollership</b>	Martin Levesque	<b>NBOC</b>	Paul Porrior and Shawn Hoag
<b>ISTB</b>		<b>Communications</b>	Alex Stanford
<b>Human Resources</b>	Ann Demers	<b>Corporate Affairs</b>	Robert Mundie for Caroline Weber
		<b>Case Management</b>	Michel Connelly

David Labonte

Issues Management, Operations Branch  
 Canada Border Services Agency / Government of Canada  
[Issues\\_Management-Gestion\\_des\\_questions@cbsa-asfc.gc.ca](mailto:Issues_Management-Gestion_des_questions@cbsa-asfc.gc.ca) / Tel: Contact your Branch Duty Executive/ TTY: 866-335-3237

Gestion des questions, Direction générale des opérations  
 Agence des services frontaliers du Canada / Gouvernement du Canada  
[Issues\\_Management-Gestion\\_des\\_questions@cbsa-asfc.gc.ca](mailto:Issues_Management-Gestion_des_questions@cbsa-asfc.gc.ca) / Tél: Contactez votre directeur/directrice de séjour de votre secteur/ ATS : 866-335-3237

## Gaudreau, Josee

---

**From:** Lefebvre, Nicole  
**Sent:** February 10, 2016 11:32 AM  
**To:** Carroll, Kathy; Grillas, Vicky; Ethier, Andrea; Gaudreau, Josee  
**Subject:** FW: EM bracelets

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Fyi if not already received

**From:** Helsdon, John  
**Sent:** February 10, 2016 9:50 AM  
**To:** Sarazin, Danielle; Lefebvre, Nicole; Bosse, Julie; Martin, MichelleA; Bolton, Stephen  
**Cc:** Bosse, Julie; Albers, Sharon  
**Subject:** Re: EM bracelets

The text is what should have been attached.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Sarazin, Danielle  
**Sent:** Wednesday, February 10, 2016 9:48 AM  
**To:** Helsdon, John; Lefebvre, Nicole; Bosse, Julie; Martin, MichelleA; Bolton, Stephen  
**Cc:** Bosse, Julie; Albers, Sharon  
**Subject:** RE: EM bracelets

Hey John,

There was no attachment but found the reference on the Web site (see screen shot below).

Hopefully the recommendation made in the latest BN will be accepted and a meeting will take place to flag this.

### RECOMMENDATION

A VP-level meeting is recommended between the CBSA and the IRB

This meeting would also provide an opportunity to brief the IRB on the status of the Agency's work on ATDs, particularly with regard to EM. Should you agree with this recommendation, we will prepare supporting material for the meeting.



### **3.6 Alternative:**

3.6.1 The IRPA national and to nationals who are ordering release public or ensure

3.6.2 On occasion the agreement t and degree of ri parties and eith

3.6.3 When deci detention, <sup>76</sup> a guarantee for geographic area restrictive to the

3.6.4 Members person. It is up In deciding on tl supervise and a concerned. <sup>79</sup>

and the knowlec the bond, memt with the terms a

3.6.5 The failure justice and ther

3.6.6 If detentic imposition of str computer, housi immigration offi

---

Danielle  
613-954-7389

-----Original Message-----

From: Helsdon, John  
Sent: February 10, 2016 8:13 AM  
To: Lefebvre, Nicole; Bosse, Julie; Sarazin, Danielle; Martin, MichelleA; Bolton, Stephen  
Subject: Fw: EM bracelets

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From  
Sent: Wednesday, February 10, 2016 8:01 AM  
To: Helsdon, John  
Subject: EM bracelets

Sent from john's iPhone

## Gaudreau, Josee

---

**From:** Martin, Geoffrey  
**Sent:** November 6, 2015 10:39 AM  
**To:** Gaudreau, Josee; Kamin, Jonathan; Robertson, Linda; Klatt, Andrew  
**Cc:** Feesey, Julia  
**Subject:** RE: Self-finance Electronic Monitoring cost

Regards,

Geoffrey Martin  
Supervisor Inland Enforcement, Enforcement and Intelligence Operations Division  
Canada Border Services Agency / Government of Canada  
[Geoffrey.Martin@cbsa-asfc.gc.ca](mailto:Geoffrey.Martin@cbsa-asfc.gc.ca) / Tel: 403-292-4736 / Cell: / TTY: 866-335-3237

Geoffrey Martin  
Superviseur Exécution de la loi pour services intérieurs, Division des opérations de l'exécution de la loi et du  
renseignement  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Geoffrey.martin@cbsa-asfc.gc.ca](mailto:Geoffrey.martin@cbsa-asfc.gc.ca) / Tél: 403-292-4736 / Cell: / TTY: 866-335-3237

**From:** Gaudreau, Josee  
**Sent:** November 5, 2015 11:26 AM  
**To:** Kamin, Jonathan; Robertson, Linda; Klatt, Andrew; Martin, Geoffrey  
**Cc:** Feese, Julia  
**Subject:** Self-finance Electronic Monitoring cost

Hello,

As previously discussed, the Enforcement & Intelligence Programs Directorate (EIPD) is leading development of the Alternatives to Detention program. Included in this is electronic monitoring (EM). As part of operationalizing the EM program, EIPD is conducting a costing exercise and will require an estimate of anticipated "per day costs" for the CBSA. It is the goal of this exercise to gain an understanding of the potential future financial impact of EM for the CBSA. Please provide an approximate "per day cost" based on cases currently on EM in your region.

Also, please advise us on how EM alerts are tracked when they occur? Are there standard operating procedures as part of the contract with the vendor? Does the contracted vendor provide a regular status report or do they only contact the CBSA when an alert event occurs? Does your region produce a supplemental tracking document of their own to track events and alerts associated with cases on EM

Regards

Josée Gaudreau

A/Senior Program Advisor, Operations Branch  
Canada Border Services Agency / Government of Canada  
[josee.gaudreau@cbsa-asfc.gc.ca](mailto:josee.gaudreau@cbsa-asfc.gc.ca) / Tel: 613-960-3799 / TTY: 866-335-3237

Conseillère principale de programme/I, Direction générale d'opérations  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[josee.gaudreau@cbsa-asfc.gc.ca](mailto:josee.gaudreau@cbsa-asfc.gc.ca) / Tél. : 613-960-3799 / ATS : 866-335-3237

## Gaudreau, Josee

---

**From:** Proulx, Marie-Eve  
**Sent:** November 10, 2015 03:41 PM  
**To:** Feeseey, Julia  
**Cc:** Gaudreau, Josee; Streng, Melanie; Sarazin, Danielle; Martin, Geoffrey  
**Subject:** RE: Self-finance Electronic Monitoring cost  
**Attachments:** EM contract.pdf

Good afternoon,

I have found the final version of the contract the document in attachment.

'day. See

Let me know if you require anything else.

Thanks.

### Marie-Eve Proulx

Inland Enforcement Officer, Enforcement and Intelligence Operations Division  
Canada Border Services Agency / Government of Canada

[marie-eve.proulx@cbsa-asfc.gc.ca](mailto:marie-eve.proulx@cbsa-asfc.gc.ca) / Tel: 403-292-5191 / Cell: / TTY: 866-335-3237

### Marie-Eve Proulx

Agent d'exécution de la loi, Division des opérations de l'exécution de la loi et du renseignement  
Agence des services frontaliers du Canada / Gouvernement du Canada

[marie-eve.proulx@cbsa-asfc.gc.ca](mailto:marie-eve.proulx@cbsa-asfc.gc.ca) / Tél: 403-292-5191 / Cell: / ATS: 866-335-3237

**From:** Feeseey, Julia [mailto:Julia.Feeseey@cbsa-asfc.gc.ca]

**Sent:** November 9, 2015 2:06 PM

**To:** marie-eve.proulx@cbsa.gc.ca

**Cc:** Gaudreau, Josee; Streng, Melanie; Sarazin, Danielle

**Subject:** FW: Self-finance Electronic Monitoring cost

Hi Marie-Eve

For your review as Geoffrey is away

Thanks, Julia

### Julia Feeseey

Enforcement & Intelligence Programs Directorate  
613.954.7100 Cell:

Email: [Julia.feeseey@cbsa-asfc.gc.ca](mailto:Julia.feeseey@cbsa-asfc.gc.ca)

**From:** Feeseey, Julia

**Sent:** November 9, 2015 3:56 PM

**To:** Martin, Geoffrey

**Cc:** Gaudreau, Josee; Sarazin, Danielle; Streng, Melanie

**Subject:** RE: Self-finance Electronic Monitoring cost



Hi Geoffrey

Just to confirm, we have been asked to identify in a note to VPs the per day cost of EM under the current structure (amount that's being paid by the clients).

I am assuming that you have a monthly cost or a weekly cost as part of the contract which we can then formulate into a per day cost.

Either way, the information you've provided has been helpful in providing the time needed for FB03 support of the client which we've calculated as .5 hours per day for each day on the EM program.

We are using the Treasury Board guidelines to calculate how much that would be when all staffing costs are included.

Thanks again for your help.

Julia

**Julia Feesey**

Enforcement & Intelligence Programs Directorate

613.954.7100 Cell:

Email: [Julia.feesey@cbsa-asfc.gc.ca](mailto:Julia.feesey@cbsa-asfc.gc.ca)

**From:** Gaudreau, Josee

**Sent:** November 9, 2015 3:42 PM

**To:** Martin, Geoffrey

**Cc:** Feesey, Julia

**Subject:** RE: Self-finance Electronic Monitoring cost

Hi Geoffrey,

Would you be kind enough to forward a copy of the self-finance EM contract of your former "client" to Julia and I.

The actual cost of the EM for the client is required for the costing exercise.

Regards

JG

**From:** Martin, Geoffrey

**Sent:** November 6, 2015 10:39 AM

**To:** Gaudreau, Josee; Kamin, Jonathan; Robertson, Linda; Klatt, Andrew

**Cc:** Feesey, Julia

**Subject:** RE: Self-finance Electronic Monitoring cost

## Martin, MichelleA

---

**From:** Séguin, Célyne  
**Sent:** February 3, 2016 10:28 AM  
**To:** Sarazin, Danielle  
**Cc:** Feeseey, Julia; Bosse, Julie; Martin, MichelleA  
**Subject:** RE: BN\_EM\_LTD\_FEB\_2\_2016 (v3).docx  
**Attachments:** (Feb3\_2016 V.7) BN\_EM\_LTD.docx

Attached. New version. ☺

Célyne Séguin

Administrative Assistant to the Director, Programs Branch  
Canada Border Services Agency / Government of Canada  
[Celyne.Seguin@cbsa-asfc.gc.ca](mailto:Celyne.Seguin@cbsa-asfc.gc.ca) / Tel: (613) 960 6616

Adjointe administrative au directeur, Direction générale des programmes  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Celyne.Seguin@cbsa-asfc.gc.ca](mailto:Celyne.Seguin@cbsa-asfc.gc.ca) / Tél: (613) 960 6616

**From:** Sarazin, Danielle  
**Sent:** February 3, 2016 9:38 AM  
**To:** Séguin, Célyne  
**Cc:** Feeseey, Julia; Bosse, Julie; Martin, MichelleA  
**Subject:** BN\_EM\_LTD\_FEB\_2\_2016 (v3).docx

Bonjour Célyne,

La note mise à jour suite aux commentaires de Stephen pour le dossier.

Merci!



UNCLASSIFIED

For approval

## ELECTRONIC MONITORING AND LONG-TERM DETENTION

For the Vice-President

### PURPOSE

To provide information/highlight on the increasing inclination by Immigration and Refugee Board (IRB) members to release detainees on self-funded electronic monitoring (EM) as a release mechanism for long-term detention; identify any possible program or policy implications of self-funded EM and a recent *habeas corpus* decision on the detention program; and, seek approval to proceed with the recommended course of action.

### ISSUE

Currently, the Canada Border Services Agency (CBSA) makes limited use of EM as a release mechanism for long-term detainees in immigration contexts. However, there has been an increase in IRB members opting to rule in favor of self-financed EM release, in particular for long-term detainees where removal is deemed by the member to be highly unlikely. In addition, recent and current litigation has highlighted the Agency's inadequate alternative to detention (ATD) options; in Federal Court in *Warssama v. Canada*, and in *habeas corpus* applications which allowed the legality of detentions to be reviewed by provincial courts on the basis of the *Charter of Rights and Freedoms*.

### BACKGROUND

The CBSA immigration detention program has seen an increase in media attention and criticism in the last two years as a result of the deaths of three detainees: a suicide in 2013 in the Vancouver immigration holding centre (IHC); and two deaths in 2014 and 2015 in Ontario correctional facilities. These incidents and the growing concerns regarding potential impacts of long-term detention on the health and well-being of detainees may be contributing to a propensity for the IRB to allow release on self-funded EM in long-term detention cases, as well as a sense within the legal community that the timing may be opportune for courts to hear new claims on the constitutionality of long-term detention where duration is uncertain.

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### ***Electronic Monitoring***

A CBSA officer's decision to detain a person under the *Immigration and Refugee Protection Act* (IRPA) is subject to an independent review by a member of the IRB who may release the person, identify conditions for release, or determine that detention should continue. IRB detention reviews are conducted 48 hours after initial detention, seven days thereafter and then every 30 days. Just as a CBSA officer must consider alternatives to detention at the outset, so must IRB decision makers at each detention review. A person may be released on terms and conditions, a deposit of money or a guarantee, or supervision by a third party (i.e., Toronto Bail Program).

EM, in the form of GPS satellite technology via ankle bracelet, tracks the whereabouts of an individual subjected to monitoring. The CBSA's past experience with this EM technology has been mainly focused on Security Certificate cases which was costly due largely to the fact that 24/7 active monitoring and surveillance was required. Based on industry standards, the total daily costs of EM monitoring (estimated at approximately \$20 per day) are significantly lower than the daily costs of detention (average of \$230 per day).

In the absence of a CBSA EM program, the IRB is considering and allowing self-funded EM in some cases.

### ***Habeas Corpus***

For decades, the CBSA has faced significant criticism from the international community, non-governmental organizations, interest groups and academics for the absence of time limits to immigration detention, denouncing it as "indefinite".

While the current detention framework does not include a time limit on immigration detention, the Supreme Court concluded in *Charkaoui (2007)* that the lack of a time limit does not constitute "indefinite detention", because Canada's framework provides a meaningful process for ongoing review of detention, taking into account the circumstances of each individual case.

Last year, *habeas corpus* applications were filed in Ontario Superior Court (OSC) and in October 2015, Ontario's top court opened an avenue for long-term detainees to challenge the legality of their detentions in OSC rather than through the immigration process and Federal Court (FC). Although the government argued that the FC provides all the necessary safeguards, the Ontario Superior Court of Appeal determined that the appellants' cases must be returned to the OSC to be heard on their merit, concluding that reviews under IRPA are not as broad and are less advantageous than the scope of *habeas corpus*. This decision created a parallel scheme in Ontario provincial courts for appealing IRPA detentions. Prior to that, the OSC had always declined to hear these cases as they were deemed outside its jurisdiction since reviews of immigration detention were done by the IRB and the Federal Court.

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In a recent case (*Warssama v. Canada*), the presiding Federal Court judge commented on the inappropriate length an individual is detained for removal, and that release on alternatives ought to be considered, including through the use of EM.

### STATUS

### NEXT STEPS

In efforts to address policy issues surrounding self-funded EM, Programs and Operations will work together to develop national EM guidelines for hearings officers in order to ensure consistency in CBSA's arguments against release on self-funded EM and to provide clear parameters/ requirements for cases released by the IRB on EM.

The CBSA will continue to argue the *habeas corpus* cases in hopes of a favorable decision but will prepare for potential implications of an unfavorable one. In tandem, Programs and Operations will work on developing and proposing a long-term detention policy for the Agency.

Outcomes and issues related to current EM will help inform the CBSA's ongoing efforts to design an ATD program, including release on EM.

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## RECOMMENDATION

A VP-level meeting is recommended between the CBSA and the IRB

This meeting would also provide an opportunity to brief the IRB on the status of the Agency's work on ATDs, particularly with regard to EM. Should you agree with this recommendation, we will prepare supporting material for the meeting.

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Lesley Soper  
A/Director General

## Vice-President's Response

I approve ☐ I do not approve ☐

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Martin Bolduc  
Vice-President